PREFACE

"Knowledge will forever govern ignorance; and people who mean to be their own governors,
must arm themselves with the power which knowledge gives."
– **James Madison**

It is my pleasure to present the **Fifth Edition** of the Frequently Asked Questions" booklet, being published at the behest of the Central Board of Excise and Customs.

The tenet of voluntary tax compliance is the corner stone of service tax administration. It is our endeavor to place as much information about service tax procedures as possible in the public domain to preclude a non-compliance owing to lack of information and guidance. Dissemination of information and public awareness has been accorded high priority by the service tax administration. Information in the booklet is purely as a measure of public facilitation.

The Directorate General has made conscious efforts to keep the language of the answers simple and crisp. The questions are truly frequently asked, as experienced by the Board, Directorate and the field formations. However, the booklet is not aimed to discuss the legal issues and exceptions.

The provisions of the relevant Finance Act, notifications and circulars or instructions of the Board shall prevail over the answers provided in this booklet in case of any contradiction. While every effort has been made to ensure that the information contained in this booklet is upto-date, the Central Board of Excise and Customs and Directorate General of Service Tax, Mumbai do not hold themselves liable for any consequences, legal or otherwise, arising out of the use of any such information.

I sincerely acknowledge the remarkable efforts made by Shri Pranesh Pathak, Additional Director, Shri Rakesh Ladwal, Deputy Director, Shri.A.N.Kamble & Shri N.P. Singh, Supdt. in bringing out this edition. I would also like to express my appreciation and thanks to Shri Rakesh Misra, Additional Director General, who motivated his subordinate officers to take up the task of revising the FAQ booklet in the right earnest and diligently scrutinised its draft.

These FAQs and answers will also be available on the official website of the Central Board of Excise and Customs: www.cbec.gov.in. However, **if you have any doubts, please contact your nearest Help Centre or Central Excise Commissionerate/ Service Tax Commissionerate – visit www.cbec.gov.in and www.exciseandserviceta.nic.in to find the addresses and telephone numbers for further clarification.**

This Directorate General welcomes suggestions to make this booklet more useful.

(R.S.SIDHU)
Director General
Directorate General of Service Tax

Mumbai
20th September, 2010.

DISCLAIMER

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For complete Information please refer to the Finance Act,1994, rules made thereunder and notifications and circulars. For further information you may contact jurisdictional Service Tax office.

CONTENTS

SERVICE TAX

FREQUENTLY ASKED QUESTIONS

1. General

1.1. What is Service Tax and who pays this tax?

Service tax is, as the name suggests, a tax on Services. It is a tax levied on the transaction of certain services specified by the Central Government under the Finance Act, 1994.

It is an indirect tax (akin to Excise Duty or Sales Tax) which means that normally, the service provider pays the tax and recovers the amount from the recipient of taxable service.

1.2. Who is liable to pay service tax?

Normally, the „person" who provides the taxable service on receipt of service charges is responsible for paying the Service Tax to the Government (Sec.68 (1) of the Act). However, in the following situations, the receiver of the Services is responsible for the payment of Service tax :

(i) Where taxable services are provided by foreign service providers with no establishment in India , the recipient of such services in India is liable to pay Service Tax,

(ii) For the services in relation to Insurance Auxiliary Service by an Insurance Agent, the Service Tax is to be paid by the Insurance Company

(iii) For the taxable services provided by a Goods Transport Agency for transport of goods by road, the person who pays or is liable to pay freight is liable to pay Service Tax , if the consignor or consignee falls under any of the seven categories viz. (a) a factory (b) a company (c) a corporation (d) a society (e) a co-operative society (f) a registered dealer of excisable goods (g) a body corporate or a partnership firm

(iv) For the taxable services provided by Mutual Fund Distributors in relation to distribution of Mutual Fund the Service Tax is to be paid by the Mutual Fund or the Asset Management Company receiving such service.

[Refer: Sec. 68(2) of the Act read with Rule 2(d) of the Service Tax Rules, 1994.]

1.3. Under what authority service tax is levied?

Vide Entry 97 of Schedule VII of the Constitution of India, the Central Government levies service tax through Chapter V of the Finance Act, 1994. The taxable services are defined in Section 65 of the Finance Act, 1994. Section 66 is the charging section of the said Act.

1.4. What are the taxable services?

Taxable Services have been specified under Section 65(105) of the Finance Act, 1994. All the taxable services as on 01.07.2010 are listed in **Appendix-1.** The list also shows the **relevant** Accounting Heads required to be mentioned on the tax payment documents (GAR-7), while depositing the Service Tax and other related dues in the banks.

1.5. How to decide whether Service Tax is payable by a person?

A. If you are engaged in providing a service to any person, please check:-

(i) Whether the service rendered by you is falling under the scope of any of the taxable services listed in the **Appendix-1**.; and
(ii) Whether there is a general or specific exemption available for the category of service provided under any notification issued under section 93 of the Finance Act, 1994.
(iii) Whether you are entitled to the value based exemption available for small service providers under notification No.6/2005-ST dated 1.3.05 as amended from time to time. Details are explained in para 8.1 of this Booklet.
(iv) Whether the service charges were received for the services provided or to be provided.

In case the service provided by a person falls within the scope of the taxable services and if such service is not fully exempted, the service tax is payable on the value of the taxable service received, subject to the eligible abatements, if any (as discussed at para 1.7 of this Booklet).

B. If you are availing the services of the service provider, please check:-

a. Whether the service received by you is falling under the scope of any of the services *where the recipient of the service is liable to pay Service Tax* in terms of Section 68(2) of the Act read with Rule 2(d) of the Service Tax Rules, 1994 (Please also see Para 1.2 of this Booklet).

b. In case the service received by recipients of such service is falling under the scope of any of the taxable services defined under section 65 of the Finance Act, 1994, the recipients of the service shall pay Service Tax after considering specific exemptions/abatements admissible, if any.

c. Please note that the value based exemption for small scale service providers under Notification No.6/2005 ST dated 01.03.2005 as amended is **not admissible** to such recipients of taxable services. (For further details, please see para 7.1 of this Booklet).

1.6. What is the rate of Service Tax?

At present, the effective rate of Service Tax is 10.3% on the value of the taxable service. The above effective rate comprises of Service Tax @10% payable on the "gross value of taxable service", Education Cess @ 2% on the service tax amount, and Secondary and Higher Education Cess @ 1% on the service tax amount.

1.7. What is meant by —value of taxable service"?

i. The "value of taxable service" means, the *gross amount* received by the service provider for the taxable service provided or to be provided by him. Taxable value has to be determined as per the provisions of the Section 67 of the Finance Act, 1994, read with **Service Tax (Determination of Value) Rules, 2006**.

ii. For certain services, a specified percentage of abatement is allowed from the gross amount collected for rendering the services (see Appendix – 2) subject to the conditions, *inter alia*, that CENVAT Credit has not been availed by the service provider and the benefit under the Notification No.12/2003-ST dt. 20.6.2003 as amended has also not been availed.

iii. **There is also a composition scheme for ‗works contract service', where** the person liable to pay service tax in relation to works contract service shall have the option to discharge his service tax liability on the works contract service provided or to be provided, instead of paying service tax at the rate specified in section 66 of the Act, by paying an amount equivalent to **4% of** the gross amount charged for the works contract. The gross amount charged for the works contract shall not include Value Added Tax (VAT) or sales tax, paid on transfer of property in goods involved in the execution of the said works contract.

1.8. Can the Department modify the value determined by the service provider?

(i) The Central Excise Officer is empowered to verify the accuracy of any information furnished or document presented for valuation.

(ii) If the value adopted by the Service Tax assessee is not acceptable in accordance with the statute, the officer shall issue a show cause notice (SCN) proposing to determine the value as per the law.

(iii) The SCN would be decided after providing reasonable opportunity of being heard to the assessee.

(Rule 4 of the Service Tax (Determination of Value) Rules, 2006 read with Section 67 of the Act)

1.9. What are the statutes governing the taxation relating to Service Tax?

The Statutes governing the levy of Service Tax are as follows:

(i) The Finance Act, 1994 - Chapter V - Section 64 to 96 I. (Also referred to as „Act" in this book). This chapter extends to the whole of India except the State of Jammu and Kashmir.

(ii) The Finance Act, 2004 Chapter VI - for levy of Education Cess @ 2% on the Service Tax.

(iii) The Finance Act, 2007– for levy of Secondary and Higher Education Cess of 1% on Service tax.

(iv) The Service Tax Rules, 1994. (Also referred to as „Rules" or „STR,1994" in this book).

(v) The CENVAT Credit Rules, 2004.

(vi) The Export of Service Rules, 2005.

(vii) The Service Tax (Registration of Special categories of persons) Rules, 2005.

(viii) The Taxation of Services (Provided from Outside India and Received in India) Rules, 2006 (with effect from 19th April, 2006) – Notification No. 11/2006-ST dated 19.4.2006 as amended vide Notfn.No.31/2007 – ST dated 22.05.2007.

(ix) The Service Tax (Determination of Value) Rules, 2006 (with effect from 19th April, 2006) – Notification No. 12/2006-ST dated 19.4.2006 as amended vide Notfn.No.24/2006 – ST dated 27.06.2006 and Notfn.No.29/2007-ST, dated 22.05.2007.

(x) Works Contract (Composition Scheme for Payment of Service Tax) Rules, 2007-Notification No. 32/2007-Service Tax dated 22nd May, 2007, as amended by Notification No. 07/2008-St dated 1st March, 2008.

(xi) Service Tax (Removal of Difficulty) Order, 2010 effective from 22.6.2010.

1.10. Is there any exemption from payment of service tax to Diplomatic Missions for official use and individuals and their family members posted in a Diplomatic Mission?

Yes, any taxable service provided to Diplomatic Missions for official use of such Mission as well as for the personal use or for the use of the family members of diplomatic agents or career consular officers posted in a foreign diplomatic mission or consular post in India is exempt in terms of the notifications numbers 33/2007-ST dated 23rd May, 2007 and 34/2007-ST dated 23rd May, 2007 respectively.

2. Registration :

2.1. What is meant by —Registration‖? Who should apply for registration under Service Tax law?

In terms of Section 69 of the Finance Act,1994 (Chapter V) read with rule 4 of the Service Tax Rules,1994 -

- Every person who has provided a taxable service of value exceeding **Rs. 9 lakhs,** in the preceding financial year, is required to register with the Central Excise or Service Tax office having jurisdiction over the premises or office of such service provider.
- In case a recipient is liable to pay service tax (Please see para 1.2 of this Booklet) he also has to obtain registration.
- The „Input Service Distributors" are also required to register them as per Notfn. No.26/2005-ST dated 07.06.2005 as amended.
- Every person who provides taxable service and is liable to pay service tax.

2.2. Why registration is necessary?

Registration is identification of an assessee. Identification is necessary to deposit service tax, file returns and undertake various processes ordained by law relating to service tax. Failure to obtain registration would attract penalty in terms of section 77 of the Finance Act, 1994, read with rule 4 of Service Tax Rules 1994. (Please also refer para 2.15 of this Booklet)

2.3. What is the meaning of an ‗assessee' in relation to Service Tax?

As per the sub-section (7) of Section 65 of the Finance Act, 1994 (Chapter V),„assessee" means a person liable to pay Service Tax and includes his agent.

2.4. When should a prospective assessee obtain registration?

i. When a person commences business of providing a taxable service, he is required to register himself within 30 days of such commencement of business[sub-rule (1) of Rule 4 of Service Tax Rules, 1994].
ii. In case service tax is extended to a new service, an existing service provider must register himself, unless he is eligible for exemption under any notification, within a period of 30 days from the date of new levy [sub-rule 5A of Rule 4 of the Service Tax Rules, 1994].

2.5. What does the word ―person‖ appearing in the definition of taxable service mean?

The word "Person" shall include any company or association or body of individuals, whether incorporated or not. Thus, this expression includes any individual, HUF, proprietary firm or partnership firm, company, trust, institution, society etc.

2.6. What is the procedure for Registration? Who should be approached for Service Tax Registration?

A prospective Service Tax assessee (service provider or service receiver) or „Input Service Distributor" seeking registration should file an application in Form ST-1 (in duplicate) [prescribed vide Notfn.No. 32/2005 dated 20.10.2005 as amended Notfn. No. 11/2008 dated 1.3.2008] before the jurisdictional Central Excise/Service Tax officer. To verify the correctness of declaration in the said form, certain documents such as copy of PAN card, proof of address of business premise(s), constitution of the business [proprietorship, firm, company, trust, institute etc.] etc. may be required by the registering authority. The copies may be self-certified by the applicant. In case of doubts in select cases, original documents may have to be presented for verification.

2.7. How much time is taken for the issuance of the Registration Certificate?

The Registration certificate should be issued within a period of **seven days** from the date of submission of application ST-1 along with all relevant details/documents. In case the registration certificate is not issued within seven days, the registration applied for is deemed to have been granted. [Rule 4(5) of the STR, 1994].

2.8. Is there any provision for centralized registration?

Service providers having centralized accounting or centralized billing system who are located in one or more premises, at their option, may register such premises or office from where centralized billing or centralized accounting systems are located and thus have centralized registration.

Commissioner of Central Excise/Service Tax in whose jurisdiction centralized account or billing office of the assessees exists, is empowered to grant centralized registration in terms of Service Tax 4(2) and (3) of Service Tax Rules,1994.

2.9. In case of multiple services provided by an assessee, is separate registration certificate required for each service?

As per sub-rule (4) of rule 4 of the Finance Act, 1994, only one Registration certificate is to be taken even if the person provides more than one service from the same premises for which registration is sought. However, while making application for registration, all taxable services provided by the person should be mentioned.

If there is centralized registration, only one registration certificate is required for services provided from different premises, declared in the application for centralized registration.

2.10. What is to be done when the existing assessee starts providing a taxable service not mentioned in the registration certificate?

He should intimate the jurisdictional Central Excise officer in writing, furnishing the name of taxable service he starts providing. No fresh documents are required for verification by the officer unless there is change in any other details given in the original or earlier application(s).

In case the changes relates to deletion of any premises or taxable service, the assessee may file intimation on plain paper along with the copy of the registration certificate. (As per Rule 4(5A) of Service Tax Rules, 1994).

2.11. Is PAN allotted by the Income Tax Department a must for obtaining Service Tax Registration?

Having PAN is essential because the Service Tax Code/Registration number is generated based on the PAN issued by the Income Tax Department. The PAN based Service Tax Code/Registration number is a must for payment of service tax using the G.A.R. 7 Form.
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2.12. What should be done with the Service Tax Registration on cessation of business of providing taxable service -?

The Service Tax Registration certificate (ST-2) should be surrendered to the respective Central Excise / Service Tax authorities [Rule 4(7) of the STR, 1994].

2.13. What should be done with the Registration in case of transfer business to another person?

In the event of transfer of the business, the transferee should obtain a fresh certificate of Service Tax registration based on his own PAN [Rule 4(6) of the STR, 1994]. The transferor should surrender his registration certificate, as mentioned at para 2.12 of this Booklet.

2.14. Whether a service provider can make payment of Service Tax and file returns before the grant of registration by the proper officer?

A person liable to pay service tax must apply for registration before he starts paying service tax and filing return. Service provider should apply well in advance to obtain registration, which is normally granted within 7 days of filing of application. If registration is not granted within seven days, it deems to have been granted.

2.15. Is there any penal provision for non-registration?

Failure of registration may attract a penalty upto Rs.5000/- or Rs. 200/- for every day during which such failure continues, whichever is higher [Section 77(1)(a) of the Finance Act, 1994].

However, such penalty may be waived in case the assessee proves that there was reasonable cause for such failure [Section 80 of the Act].

2.16. What should be done in case of change in the office/place of business?

Any change in premises/office, as mentioned in Form ST-1, should be intimated to jurisdictional Central Excise/Service Tax Officer.

2.17. If a registration certificate issued by the Department is lost, can duplicate be issued? What is the procedure in this regard?

The assessee is required to make written request for „duplicate" registration certificate. The same wil be issued by the Department after suitable entry in the registers/records of the Office.

3. Payment of Service Tax

3.1. How to pay Service Tax?

Form G.A.R.7 (previously known as TR6 Challan) should be used to make service tax payments. Payment of service tax may be made at the specified branches of the **designated banks**. The details of such Banks and branches may be obtained from the nearest Central Excise Office/Service Tax Office.

Service Tax can also be paid electronically, using e-payment facility. (Please **refer para 3.16 to 3.25).**

3.2. When is Service Tax required to be paid?

1. Payments through Bank :

Category	Frequency	Due Dates
In case of Individuals, Proprietary Firms & Partnership Firms	**Quarterly as mentioned below - (i) For Q.E. 30th June (ii) For Q.E. 30th Sept.**	** - by 5th July - by 5th Oct**

	(iii) For Q.E. 31st Dec. (iv) For Q.E. 31st March	- by 5th Jan. - by 31st March
Others (e.g. Companies, Societies, Trusts etc.)	Monthly	By 5th of the month immediately following the month in which payments are received towards the value of taxable services. However, in case of March, the payment should be made by 31st March.

2. Electronic Payments through Internet :

Category	Frequency	Due Dates
In case of Individuals, Proprietary Firms & Partnership Firms	Quarterly as mentioned below - (i) For Q.E. 30th June (ii) For Q.E. 30th Sept. (iii) For Q.E. 31st Dec. (iv) For Q.E. 31st March	 - by 6th July - by 6th Oct - by 6th Jan. - by 31st March.
Others (e.g. Companies, Societies, Trusts etc.)	Monthly	By 6th of the month immediately following the month in which payments are received towards the value of taxable services. However, in case of March, the payment should be made by 31st March.

3.3. Under what circumstances, provisional assessment is resorted to? What is the procedure to be followed for payment of Service Tax if full details are not available to assess correct tax?

If an assessee is unable to correctly estimate the actual amount payable as Service Tax for any particular month or quarter, as the case may be, he may make a request in writing to the Asstt. / Dy.Commissioner of Service Tax/Central Excise as provided under Rule 6(4) of Service Tax Rules, 1994, giving reasons for seeking payment of Service Tax on provisional basis. On receipt of such request for provisional assessment, the authority may allow payment of Service Tax on provisional basis on such value of taxable service as may be specified by him. Upon finalization of such assessment, if a liability of service tax arises, the differential amount has to be paid by the assessee. If he has paid excess amount he would be entitled to refund. The provisions of the Central Excise (No.2) Rules, 2001 relating to provisional assessment (except pertaining to execution of bond), shall apply to such assessment.

The assessee requesting for provisional assessment shall file a statement giving details of the difference between the Service Tax deposited and the Service Tax liable to be paid for each month in a memorandum in Form ST-3A accompanying the half yearly return in Form ST-3.

3.4. How is the provisional assessment finalized ?

In case the Service Tax assessee resorts to provisional assessment after following the procedure and furnishes the returns in Form ST-3A along with Form ST-3, it is the responsibility of the Asstt./Deputy Commissioner to complete the assessment after calling for from the assessee the relevant documents or records, as may be considered necessary by him. Wherever the Asstt./Dy. Commissioner, after considering all the details/documents proposes to re-assess the Service Tax liability, the finalization of the provisional assessment would be made after providing adequate opportunity to the assessee by issuing the show cause notice and giving opportunity of being heard in person.

3.5. What is the head of account into which the Service Tax amount is to be paid in respect of various services?

Separate "Head of account" has been specified for each taxable service. This must be mentioned on G.A.R. 7 (previously known as TR-6) challan for proper accounting. **(See Appendix-1 of this Booklet).**

3.6. What is GAR-7 challan? Where is it available?

GAR-7 challan is the document for payment of service tax. **GAR-7** challan is available in any stationary shop selling Government forms. The format is also given on web-site www.cbec.gov.in

3.7. Can the Service Tax be deposited in Non-designated banks?

No. For payment of Service Tax, specific bank has been nominated for every Central Excise/Service Tax Commissionerate. If Service Tax is deposited in a Branch /Bank other than the nominated Bank / Branch, it amounts to non-payment of Service Tax [Rule 6(2) of the STR, 1994]. In any case, a non-designated bank will not accept service tax challans.

3.8. Whether the payment of Service Tax is to be made for the billed amount or for the amount received?

The Service Tax for a particular period is payable on the amount / value of taxable service received during that period and not on the gross amount billed to the client. If the charges for the taxable service have been received in advance prior to rendering of the services, the Service Tax is payable even if the services are yet to be provided by them [Section 67 of the Act and Rule 6(1A) of the STR, 1994].
[Please also refer to the Service Tax (Determination of Value) Rules, 2006.]

3.9. Can service tax be paid in advance, where the gross amount has not yet been received?

Yes. With effect from 1-3-2008, a new provision **6(1A)** has been incorporated in Service Tax Rules, 1994, whereby service tax can be paid in advance to the credit of the central government and adjust the amount so paid against the service tax which he is liable to pay for the subsequent period. The assessee is required to intimate the details of the amount of service tax paid in advance to the jurisdictional superintendent of Central Excise/Service Tax within a period of 15 days of such payment. The amount shall be paid under the respective head of accounts of the taxable service he is providing.

3.10. Can service tax be paid by cheque?

Yes, service tax can be paid by cheque. [Rule 6(2A) of Service Tax Rules,1994]

3.11. When paid by cheque, which date will be treated as date of payment?

The date of deposit of cheque is the date of payment of Service Tax. If the cheque is dishonoured, it would mean as if the Service Tax has not been paid and the relevant penal consequences would follow. [Rule 6(2) of the STR, 1994]

3.12 When payment is made by a client to an assessee after deducting his Income Tax liability under the Tax deduction at source (TDS) provision, whether the Service Tax liability of the assessee is only towards the amount actually received from that client or tax is to be paid on the amount including the Income Tax deducted at source also?

Service Tax is to be paid on the gross value of taxable service which is charged by a Service Tax assessee for providing a taxable service. Income tax deducted at source is includible in the charged amount. Therefore, service Tax is payable on the gross amount including the amount of Income Tax deducted at source also.

3.13 What is the interest rate applicable on delayed payment of Service Tax?

Every person, liable to pay the service tax in accordance with the provisions of section 68 of the Act or rules made thereunder, who fails to credit the tax or any part thereof to the account of the Central Government within the period prescribed, shall pay simple interest **@13% per annum.** Interest is payable for the period from the first day after the due date till the date of payment of any defaulted service Tax amount. [Refer to Section 75 of the Finance Act, 1994]

3.14. Can interest be waived, and by whom?

Interest payments are mandatory in nature and the same cannot be waived.

3.15. What are the penal consequences if the Service Tax is not paid or paid late?

If a person who is liable to pay Service Tax fails to pay service tax, he shall pay in addition to such tax and interest in accordance with the provisions of Section 75 of the Finance Act, 1994, a penalty which shall not be less than Rs.200/- for every day during which such failure continues or @2% of such tax per month, whichever is higher.

However, the penalty amount payable shall not exceed the amount of Service Tax payable. **(Refer to Section 76 of the Finance Act, 1994).**

3.16. What is e-Payment of Central Excise and Service Tax?

***e*-Payment** is a payment made through which a Taxpayer can remit his tax dues to the Govt. (CBEC) using Internet Banking Service. It is an additional facility being offered by the banks besides conventional procedure.

3.17. Is E-payment of Service Tax mandatory?

Yes. E-payment is mandatory for assesses who have paid service tax of Rs.10 lakhs or more including the amount paid by utilization of CENVAT credit, in the preceding financial year.(Refer Rule 6(2) of Service Tax Rules,1994). However, there is no bar for other assessees to pay their tax electronically. In other words, other assessees may also pay their service tax through e-payment, if they choose to do so.

3.18. Which banks provide the facility of e-payment of Service Tax?

The following banks provide e-payment facility.

Sr.No	**Name of Bank**	**Name of Central Excise / Service Tax Commissionerate for which the Bank is authorised to collect Revenue through e-Payment**
1	Union Bank of India	All Commissionerates
2	State Bank of India	All Commissionerates
3	Punjab National Bank	All Commissionerates
4	Indian Overseas Bank	All Commissionerates
5	State Bank of Travancore	All Commissionerates
6	Bank of India	All Commissionerates
7	Corporation Bank	All Commissionerates
8	State Bank of Saurashtra	All Commissionerates
9	Indian Bank	All Commissionerates
10	State Bank of Patiala	All Commissionerates
11	State Bank of Hyderabad	All Commissionerates
12	Syndicate Bank	All Commissionerates
13	State Bank of Bikaner & Jaipur	All Commissionerates
14	Vijaya Bank	All Commissionerates
15	State Bank of Indore	All Commissionerates
16	Bank of Maharashtra	All Commissionerates
17	Canara Bank	All Commissionerates
18	State Bank of Mysore	All Commissionerates
19	United Bank of India	All Commissionerates
20	Bank of Baroda	All Commissionerates
21	Axis Bank	Delhi, Bangalore, Hyderabad, Mumbai
22	ICICI Bank	Delhi, Chennai, Hyderabad, Mumbai
23	HDFC Bank	Delhi, Bangalore, Kolkata, Mumbai
24	IDBI Bank	Delhi, Chennai, Kolkata, Mumbai
25	UCO Bank	All Commissionerates

26	Dena Bank	All Commissionerates

More banks wil be added over a period of time. You may find out the latest position on the web site of Principal Controller of Accounts **http//:pccacbec.nic.in or check with the local Central Excise/Service Tax office.**

3.19. How to get Internet banking facility of Bank?

The customers of Bank can request this facility on prescribed application forms to any bank having internet banking facility.

3.20. Are there any geographical restrictions on Banks?

No. Customer can effect payment from anywhere for the Commissionerate in which he is registered with, provided that particular bank is designated and authorized to collect revenue for that Commissionerate.

3.21. Up to what time in a day the e-Payments can be made?

e-Payment can be made 24 hours a day using Internet banking service of Bank. Payment made up to 8 pm will be accounted on the same day. However payments effected after 8 pm will only be included in next working day's scroll by the Focal point Branch. So, to ensure timely payment, e-payment should be made latest by 8 p.m. on the due date.

3.22. Does the Internet banking service give any receipt/confirmation for the e-Payment?

Yes, on successful payment the Internet banking user gets a Cyber Receipt for the Tax payment, which he can save or print for his record.

3.23. How does the taxpayer get the regular Challan stamped and receipted by Bank?

The respective Focal Point Bank on the next working day wil send the Challan copies duly receipted and stamped to the taxpayer by courier at the mailing address provided by the taxpayer.

4. Filing of Returns

4.1. What are the Returns a service tax assessee has to file?

ST-3 Return – For all the registered assessee, including **Input Service Distributors,** (Ref. Section 70 of Finance Act,1994 and Rule 7 of Service Tax Rules, 1994 read with Notfn.No. 14/2007-ST dated 02.04.2007).

ST-3A Return –The assessee who is making provisional assessment under rule 6(4) of the Service Tax Rules, 1994.

The Forms are available at any Stationery shop selling Govt. forms. These can also be downloaded from www.cbec.gov.in

4.2. When to file returns?

ST-3 Return is required to be filed twice in a financial year – **half yearly.**

Return for half year ending 30th September and 31st March are required to be filed by 25th October and 25th April, respectively.

4.3. How to file Service Tax Returns?

The details in respect of each month/ Quarter, as the case may be, of the period for which the return is filed, should be furnished in the Form ST-3, separately. The instructions for filing return are mentioned in the Form itself.

It should be accompanied by copies of all the GAR-7 Challans for payment of Service Tax during the relevant period.

4.4. Is there any provision to file a revised return?

Yes, under rule 7B of Service Tax Rules, 1994 an assessee may submit a revised return, in Form ST-3, in triplicate, to correct a mistake or omission, within a period of ninety days from the date of submission of the return under Rule 7. However, where an assessee submits a revised return, the „relevant date" for the purpose of recovery of service tax, if any, under section 73 of the Finance Act, 1994, shall be the date of submission of such revised return.

4.5. Where to file return?

ST-3 or ST-3A is filed in triplicate to the Superintendent of Central Excise/Service Tax with whom the assessee has registered himself. [Section 70 of the Finance Act, 1994].

4.6. What is e-filing of Service Tax Returns?

The e-filing is a facility for electronic filing of Service Tax Returns through the Internet.

4.7. Is E-filing of Returns mandatory?

E-filing of Returns is mandatory for any assessee who has paid Service tax of rupees ten lakhs or more including the amount paid by utilization of CENVAT credit, in the preceding financial year shall file return by electronically as provided by Rule 7(2) [Notification No. 01/2010-ST dated 19/02/2010].

4.8. What is the procedure for e-filing?

(i) File an application to the jurisdictional Asst./Deputy Commissioner of Service Tax, specifying –
- 15-digit PAN based registration number (STP Code)
- Valid e-mail address - so that the Department can send them their User ID and password to help them file their Return.

(ii) Log on to the Service Tax e-filing home page by typing the address http://servicetaxefiling.nic.in in the address bar of the browser.

(iii) Upon entering the Service Tax code, user ID and password, you will be permitted to access the e-filing facility.

(iv) Follow the instructions given therein for filing the Returns electronically.

(v) Obtain the acknowledgement.

4.9. Is filing of return compulsory even if no taxable service provided or received or no payments received during a period (a particular half year)?

Filing of return within the prescribed time limit is compulsory, even if it may be a **nil** return, failing which penal action is attracted.

4.10. Whether a single Return is sufficient when an assessee provides more than one service?

A single return is sufficient because the ST-3 Return is designed to capture details of each service separately within the same return.

4.11. Is there any penalty for non-filing or delayed filing of the Returns?
If a person fails to file the ST-3 Return by the due date **[25th October and 25th April every year],** he shall be liable to penalty which may extend to Rs. **Five** thousand rupees (Section 77 of the Act)

Mandatory Penalty for Late filing of ST-3 Return under Rule 7C of Service Tax Rules, 1994

Sr.No.	Period of Delay from the prescribed date	Penalty
1	15 days	Rs.500/-
2	Beyond 15 days but not later than 30 days	Rs.1000/-
3	Beyond 30 days	Rs.1000/- plus Rs. 100/- for every day from the thirty first day till the date of furnishing the said return **(not exceeding Rs.2000)**

5. Records

5.1. Are there any statutory documents prescribed by the Government such as specified invoice proforma, specified registers etc. for use by the service providers?

There are no specific statutory records which have to be maintained by a Service Tax assessee. The records including computerized data, if any, which are being maintained by an assessee on his own or as required under any other law in force, such as Income

Tax, Sales Tax etc. are acceptable for the purpose of Service Tax - (Rule 5(1) of the STR, 1994).

However, under the revised rule 5(2) of the STR, 1994 (with effect from 28th December, 2007), the assessee is required to provide to the jurisdictional Superintendent of Central Excise/Service Tax a list, in duplicate, of all the records prepared or maintained by the assessee for accounting of transactions in regard to (a) providing of any service, whether taxable or exempted; (b) receipt or procurement of input services and payment for such input services; (c) receipt, purchase, manufacture, storage, sale, or delivery, as the case may be, in regard of inputs and capital goods; (d) other activities, such as manufacture and sale of goods, if any and all other financial records maintained by him in the normal course of business,

5.2. Where from the Service Tax assessee can get the Forms such as ST-1, ST-3 etc?

The Forms are available on the CBEC website and also at the Central Excise Range/Division/Commissionerate Hqrs. offices. The forms are also available in the market and are sold by private publishers.

5.3. Can the Department ask for more information than what assessee is submitting to it in the Form ST-1 and ST-3?

Yes. If it is felt necessary, the Department can call for additional information/ documents for scrutiny, as per Rule 6(6) of the STR, 1994 and Sec. 14 of the Central Excise Act, 1944 which is made applicable to Service Tax matters, as per Sec. 83 of the Finance Act, 1994.

Rule 5A of STR, 1994 provides that every assessee, on demand, is required to make available to the Central Excise/Service Tax officer authorized by the Commissioner or the audit party deputed by the Commissioner or the Comptroller and Auditor General of India, within a reasonable time not exceeding fifteen working days from the day when such demand is made, or within such further period as may be allowed by such officer or the audit party, the following records/documents for the scrutiny of the officer or audit party:

i. the records as mentioned in Rule 5(2) of STR, 1994;
ii. trial balance or its equivalent; and
iii. the income-tax audit report, if any, under section 44AB of the Income-tax Act, 1961 (43 of 1961).

In the event of failure to make available the records/documents, a penalty of Rs. 5000 or Rs.200 for every day during which such failure continues, whichever is higher, starting with the first day after the due date, till the date of actual compliance, is imposable on the assessee under amended section 77 of the Finance Act, 1994 (with effect from 10th May, 2008).

5.4. Can a Service Tax officer access an assessee‘s registered premises?

As provided under Rule 5A of STR, 1994, an officer authorized by the Commissioner can have access to an assessee‟ s registered premises for the purpose of carrying out any scrutiny, verification and checks as may be necessary to safeguard the interest of revenue.

5.5. Whether issue of Invoice/Bill/Challan is mandatory? When should the same be issued?

Issue of Invoice/Bill/Challan by a Service Tax assessee is mandatory as per Rule 4A of the STR, 1994. The same should be issued within 14 days from the date of completion of taxable service or receipt of payment towards the service, whichever is earlier. However, if the service is provided continuously for successive periods of time and the value of such taxable service is determined or payable periodically, the Invoice/Bill/Challan shall be issued within 14 days from the last day of the said period (Proviso to Rule 4A (1) of the STR 1994).

5.6. Is there any prescribed format for the Invoice/Bill?

There is no prescribed format for issue of Invoice. However, the invoice/bill/challan should contain the following information (Rule 4A of the STR, 1994):

i. Serial number.
ii. Name, address and registration no. of the service provider.
iii. Name and address of the service receiver.
iv. Description, classification and value of taxable service being provided or to be provided.
v. The amount of Service Tax payable (Service Tax and Education cess should be shown separately)

Note: If the service provider is a Banking company, the details at Sl. No (i) and (iii) are not necessary.

In respect of the taxable services relating to the transport of goods by road, provided by the Goods Transport Agency, the service provider should issue a consignment note containing the following information (Rule 4B of the STR, 1994): -

i. Serial Number
ii. Name of the consignor and consignee
iii.Registration no. of the vehicle
iv.Details of the goods transported
v. Details of the place of origin & destination
vi. Person liable for payment of Service Tax (consignor /consignee / GTA)

5.7. Is the amount of Service Tax charged from the client compulsorily to be indicated separately in the Bills / Invoices / Challans raised on him?

Yes. It is mandatory to separately indicate the amount of Service Tax charged in the Bills/Invoices/Challans raised on the clients, as per Section 12A of the Central Excise Act, 1944 which is made applicable to Service Tax, under Sec.83 of the Finance Act, 1994. Such mention of the Service Tax amount in the Invoice / Bill / Challans, would also facilitate the service receiver to avail the CENVAT credit of the Service Tax paid on the input services.

5.8. What is the preservation period for service tax records and documents?

All records and documents concerning any taxable service, **CENVAT** transactions etc. must be preserved for a minimum period of **5** years immediately after the financial year to which such records pertain (Rule 5(3) of Service Tax Rules 1994.)

6. Refunds

6.1 Can any adjustment of tax liability be made by an assessee on his own, in cases when Service Tax has been paid in excess?

i. Yes. Where an assessee has paid Service Tax to the credit of the Government in respect of a taxable service, which is not so provided by him, either wholly or partially for any reason, the assessee may adjust the excess Service Tax so paid by him calculated on a pro-rata basis) against his Service Tax liability for the subsequent period, if the assessee has refunded the value of taxable service and the Service Tax thereon to the person from whom it was received (Rule 6(3) of the STR, 1994).

ii. Further, assesses having centralised registration who paid excess amount of Service Tax, on account of non-receipt of details regarding the receipt of gross amount for the services at his other premises or offices, may adjust such excess amount against the Service Tax liability for the subsequent period and furnish the details of such adjustment to the Jurisdictional Superintendent of Central Excise/Service Tax within 15 days from the date of such adjustment (Rule 6(4A) of the STR, 1994).

iii. In all other cases of excess payment, refund claims have to be filed with the Department. The refund claims would be dealt as per the provisions of Section 11B of the Central Excise Act, 1944, which is made applicable to Service Tax vide Section 83 of the Finance Act 1994.

iv. It is important to note that any amount of Service Tax paid in excess of the actual liability, is refundable, only if it is proved that the claimant of refund had already refunded such amount to the person from whom it was received or had not collected at all (Section 11 B of the Central Excise Act, 1944 which is applicable to Service Tax matters under Section 83 of the Act).

6.2 What is the procedure for claiming refund?

i. Application in the prescribed form (Form - R) is to be filed in triplicate with the jurisdictional Asst./Deputy Commissioner of Central Excise/Service Tax.
ii. The application should be filed within one year from the relevant date as prescribed in Section 11B of the Central Excise Act, 1944 which has been made applicable to Service Tax refund matters also.
iii. Application should be accompanied by documentary evidence to the effect that the amount claimed as refund is the amount actually paid by him in excess of the Service Tax due and the incidence of such tax claimed as refund has not been passed on to any other person.

6.3. What is relevant date for calculation of limitation period in respect of filing refund claims relating to Service Tax?

The “relevant date” for the purpose of refund as per section 11B of the Central Excise Act, 1944 which is applicable to Service Tax also, is the date of payment of Service Tax. Thus, the limitation period of one year is to be calculated from the date of payment of the Service Tax.

6.4 Is there any provision for interest for delayed payment of refunds?

If any duty/tax ordered to be refunded under section 11B(2) of Central Excise Act, 1944, to any applicant is not refunded within three months from the date of receipt of application, interest at the applicable rate shall be paid, subject to conditions laid down under section 11BB of the Central Excise Act, 1944.
Also where an amount deposited by an appellant in pursuance of an order passed by the Commissioner (Appeals) or the Appellate Tribunal, under the first proviso to section 35F of the Central Excise Act, 1944, is required to be refunded consequent upon the order of the appellate authority and such amount is not refunded within three months from the date of communication of such order to the adjudicating authority unless the operation of the order of appellate authority is stayed by a superior court or tribunal, interest shall be paid at the applicable rate after the expiry of three months, under the provisions made in section 35FF of the Central Excise Act, 1944.

Provisions of Sections 11B, 11BB, 35F and 35FF of the Central Excise Act, 1944 are made applicable to Service Tax vide section 83 of the Finance Act, 1994.

7. Manner of payment of Service Tax, when clients (recipient of service) do not pay service tax amount, what should be done?

7.1. Is the Service Tax payable by the assessee even in cases where his clients [recipient of service] do not pay for the service(s) rendered or when the client pays only a part of the bill raised in this regard?

Service Tax is required to be paid at the rate in force ***(at present 10.3%)*** only on the value/amount of taxable service, received in a particular month or quarter as the case may be, and not on the gross amount billed to the client. [Refer to sub-section (2) of Section 67 of Finance Act,1994/Rule 6(1) of Service Tax Rule 1994].

7.2. How does one work out the Service Tax liability and pay the same to the Government, in case the customer or a client pays only the value of the service amount, but not the Service Tax amount mentioned in the bill?

Service Tax is payable on amount realized. In given situation, the amount so realized from the client would be treated as gross amount inclusive of Service Tax and accordingly the value of taxable service and the Service Tax liability are worked out as follows:
For example :

Value of taxable service (AV) = Rs. 1000
Amount Billed = Rs.1000 + Service Tax Rs.103.00 = Rs.1103.00
Amount paid = Rs.1000. Treat Rs.1000 as gross amount inclusive of service tax.

In case the gross amount, including service tax, received is, say, Rs 1000. In such cases the service tax liability may be arrived at by reverse calculation in the following manner.

$$\textbf{AV} = \frac{1000}{110.3} \times 100 = \text{Rs. } 906.62 \text{ (Rs.907)}$$

Amount of Service Tax + Education Cess Payable = Rs.93

Note: If the recipient of service pays full billed amount later, the differential service tax must be paid forthwith.

8. Exemptions

8.1. What are the conditions of exemption to small scale service providers ?

Taxable services provided by the small scale service provider were exempted from whole of service tax leviable there-on upto the aggregate taxable value Rs.4 lakhs in any financial year of vide Notification No.06/2005-ST dated 01.03.2005 (effective from 01.04.2005). The exemption limit of aggregate taxable was enhanced to Rs.8 lakhs vide Notification No.4/2007-ST dated 01.03.2007 (effective from 01.04.2007) and the same has been further enhanced to Rs.10 lakhs vide Notification No.8/ 2008-ST dated 01.03.2008 (effective from 01.04.2008).

(i) Above exemption is not admissible to :-

(a) taxable service provided by a person under a brand name or trade name, whether registered or not, of another person or

(b) such value of taxable services in respect of which service tax shall be paid by recipient of service under section 68 (2) of Finance Act read with Service Tax Rules, 1994.

(ii) Above exemption is admissible subject to following conditions :-

(a) taxable service provider has the option not to avail the said exemption and pay service tax on the taxable service and such option are exercised in a financial year shall not be withdrawn during the remaining part of such financial year ;

(b) the provider of taxable service shall not avail Cenvat credit of service tax paid on any input used for providing taxable service on which exemption of small scale is availed.

(c) The provider of taxable service shall not avail Cenvat credit under Rule 3 of the Cenvat Credit Rules 2004, during the period in which the service provider avail small scale exemption.

(d) The provider taxable service shall avail CENVAT Credit only on such inputs or input services received on or after the date on which the service provider starts paying service tax and used for provision of taxable services on which service tax is payable.

(e) The provider of taxable service shall be required to pay an amount equivalent to the CENVAT credit taken by him, if any, in respect of such inputs lying in stock or in process on the date on which he starts availing exemption under this notification.

(f) The balance CENVAT Credit lying unutilized if any after the adjustment of credit under
(e) above, shall lapse on the day such service provider starts availing the exemption under this notification.
(g) This notification shall apply to the aggregate value of one or more taxable services provided from one or more premises and not separately for each premises or each service.
(h) The aggregate value of taxable services rendered by a provider of such service from one or more premises does not exceed exemption limit fixed (i.e. Rs.Ten lakhs) in the proceeding financial year.

8.2 Whether Gross Value of taxable services on which recipient has paid service tax as specified under Section 67(2) of the Finance Act, 1994 read with Service Tax Rules 1994, charged by goods Transport Agency shall be counted for determining aggregate value of small scale exemption ?

No. The Gross amount charged by Goods Transport Agency under Section 67 ibid to the recipient of service shall not to be taken into account for determining the aggregate taxable value under the small scale exemption.

8.3 What is the meaning of —brand name|| or —Trade name|| in Para 8(i) (a) above?

A "brand name" or "trade name" means brand name or trade name, whether registered or not i.e. to say, a name or a mark, such as symbol, monogram, logo, label, signature, or a invented word or writing which is used in relation to such specified services for the purpose of indicating or so as to indicate a connection in the course of trade between such specified services and some person using such name or mark with or without any identification of the identity of that person.

8.4 How to determine the aggregate value of Rs 10 lakh under small scale exemption notification?

The aggregate taxable value means the sum of total of first consecutive payments received during financial year towards gross amount, as prescribed under Section 67 of F.A. 1994 towards the taxable services

8.5 Are there any other General exemptions?

The following general exemptions from payment of whole of the amount of Service Tax are available for the Service Providers:

8.5.1 Services provided to the **United Nations or International Organisations** (Notification No.16/2002-ST dated 02.08.2002).

8.5.2 Services provided to a developer of **Special Economic Zone** or a unit of Special Economic Zone as prescribed in the notification.(Notifn. No.04/2004-ST dated 31.03.2004).

8.5.3 The **value of the goods and materials sold** by the service provider to the recipient of the service is exempted from payment of the Service Tax, if there is a documentary proof specifically indicating the value of the goods and materials and no credit of duty paid on such goods and material sold, has been taken under the provisions of CENVAT Credit rules, OR where such credit has been taken by the service provider on such goods and materials, but such service provider has paid the amount equal to such credit availed before the sale of such good and materials. (Notifn.12/2003-ST dated 20.06.2003 as amended from time to time).

8.5.4 Exemptions to **Diplomatic Missions** for official use of taxable services and also to the officers and their families of a Diplomatic Mission for personal use of taxable services- Refer Notification Nos. 33/2007-ST and 34/2007-ST, both dated 23.5.2007.

8.5.5. Specified taxable services, as listed below, received by an exporter and used for export of goods (Notification No. 17/2009 dated 07.07.2009 as amended). Under this notification, the service tax paid by an exporter on these services is refunded to the exporter on compliance of conditions mentioned in that notification.

1. General Insurance
2. Port Service
3. Technical Testing & analysis
4. Technical Inspection & Certification
5. Other Ports
6. Transport of Goods by Road (Goods Transport Agency)[from the inland container depot to the port of export]
7. Transport of goods in containers by Rail [from the inland container depot to the port of export]
8. Cleaning Service
9. Storage & Warehousing
10. Courier
11. Transport of Goods by Road (Goods Transport Agency)[directly from the place of removal, to inland container depot or port or airport,]
12. Transport of goods in containers by Rail [from the place of removal to inland container depot or port or airport]
13. Custom House Agent
14. Banking & other Financial Services
15. Business Auxiliary Services
16. Service of sale or purchase of foreign currency including money changing by a banking company or financial institution including non-banking financial company or a body corporate or a financial concern
17. Service of sale and purchase of foreign currency including money changing provided by a person other than those referred at S.No 16
18. Service of supply of tangible goods for use without transferring the right of possession and effective control
19. Clearing and forwarding service
20. Terminal handling charges.

8.6 Is there any exemption from payment of Service Tax if the receiver/provider of the service is the Central/State Government organization and Public Sector Undertakings?

8.6.1. No. There is no such exemption. All service providers, including the Central/State Government Organisations and the Public sector undertakings rendering the specified taxable service, are liable to pay Service Tax.

8.6.2. If a Government Department (sovereign)/public authorities performs any mandatory or statutory function under the provisions of any law and collect any fees, such activity shall be treated as activity purely in public interest and wil not be taxable. (Refer Board‟ s Circular No.96/7/2007-ST dated 23.8.2007)

8.6.3 However, if such authority performs a service, which is not in the nature of statutory activity, for a consideration, the same shall be taxable.

8.6.4 The taxable services provided by a Banking company or a financial institution including a non banking financial company, or any other body corporate or any other person, to the Government of India or the Government of a State, in relation to collection of any duties or taxes levied by the Government of India or the Government of a State, are exempted from the payment of Service Tax. (Notifn.No.13/2004-ST dated 10.09.2004 as amended).

9 Penal Provisions

9.1 What are the penal provisions for various contraventions of the Service Tax Law?

The Penal provisions for various contraventions of the Service Tax Law are as follows:-

i. **Non registration or delayed registration:** An amount which may extend to Rs. 5000/- or Rs.200/- for every day during which such failure continues, whichever is higher could be imposed as penalty under sec 77(1)(a) of the Act.

ii. **Non payment or delayed payment of service tax-** A mandatory penalty, not less than Rs.200/- for every day during which such failure continues or @2% of such tax per month, whichever is higher, shall be imposed by the adjudicating authority. However, the penalty amount payable shall not exceed the amount of service tax payable. **[Section 76 of the Act]**

iii. **Non-filing / delayed filing of returns**: A mandatory penalty has been prescribed under Rule 7C of the Service Tax Rules, 1994, as also an amount not exceeding **Five** Thousand Rupees could be imposed as penalty under sec 77 of the Act. (see para 4.11 of this Booklet)

iv. **Contravention of any of the provisions of the Finance Act, 1994 (Chapter V) or the Rules made thereunder for which no penalty is separately provided:** An amount which may extend to Rs.5000/- shall be liable to be imposed as penalty under Sec.77(2) of the Act.

v. **Failure to keep, maintain or retain books of account and other documents as required in accordance with the provisions of the Finance Act, 1994 (Chapter V) or the rules made thereunder:** An amount which may extend to five thousand rupees shall be liable to be imposed as penalty. [Section 77(1)(b) of the Act]

vi. **Failure to—**

(1) **furnish information called by an officer in accordance with the provisions of the Finance Act,1994 (Chapter V) or rules made thereunder; or**

(2) **produce documents called for by a Central Excise Officer in accordance with the provisions of this Chapter or rules made thereunder; or**

(3) **appear before the Central Excise Officer, when issued with a summon for appearance to give evidence or to produce a document in an inquiry,**

An amount which may extend to five thousand rupees or two hundred rupees for every day during which such failure continues, whichever is higher, shall be liable to be imposed as penalty. [Section 77(1)(c) of the Act]

vii. **Person who is required to pay tax electronically, through internet banking, but fails to pay the tax electronically:** An amount which may extend to five thousand rupees shall be liable to be imposed as penalty. [Section 77(1)(d) of the Act]

viii. **Person who issues invoice in accordance with the provisions of the Act or rules made thereunder, with incorrect or incomplete details or fails to account for an invoice in his books of account:** An amount which may extend to five thousand rupees shall be liable to be imposed as penalty. [Section 77(1)(e) of the Act]

ix. **Suppression of the value of taxable services:** Penalty to an extent ranging from 100% to 200% of the Service Tax which was not levied or paid or erroneously refunded, can be imposed on any person, if such short levy or short payment or erroneous refund is by reason of fraud collusion, willful mis-statement, suppression of facts; or contravention of any of the provisions of the Act or the rules made thereunder with an intent to evade payment of Service Tax. Such liability towards penalty would be in addition to the Service Tax amount evaded or erroneously refunded and the interest thereon (Section 78 of the Act).

x. **Reduced Penalty in respect of Sl. No. (ix):** If the Service Tax amount as determined by the competent authority is paid within 30 days from the date of communication of the order, along with interest, the amount of penalty liable to be paid shall only be 25% of the Service Tax amount so determined. The benefit of reduced penalty equivalent to 25% of the said Service Tax is available only if such lesser penalty amount is also paid within the aforesaid period (First and second proviso to Section 78 of the Act).

9.2 Is there any provision to waive the penalty under Service Tax law?

The penal provisions under Service Tax are provided under Sections 76, 77 and 78 of Finance Act, 1994. Although the penalty is liable to be imposed for the circumstances covered under the said provisions, the Section 80 of the Finance Act, 1994, provides provisions not to impose penalty, for any failure referred to in the said provisions, if the Service Tax assessee proves that there was sufficient cause for such failure.

9.3 Why does Department issue show cause notice?

When any amount is demanded as Service Tax or other dues from any person under the Finance Act, 1994 and rules made thereunder towards recovery of service tax or other dues which is not levied or paid or short levied or short paid by any person, or erroneously refunded to any person, and/or any person is liable to penalty under the said Act/Rules, notices are issued in the interest of natural justice to enable such person to understand the charges and defend his case before an adjudicating officer.

9.4 Can show cause notice be waived?

Where any service tax has not been levied or paid or has been short-levied or short-paid or erroneously refunded, the person chargeable with the service tax, or the person to whom such tax refund has erroneously been made, may pay the amount of such service tax on the basis of his own ascertainment thereof, or on the basis of tax ascertained by a Central Excise/Service Tax Officer before service of notice on him and inform the Central Excise/Service Tax Officer of such payment in writing, in such a case show cause notice will not be issued. [Refer Section 73(3) of Finance Act, 1994]. However, sub-section (3) of Section 73 of Finance Act, 1994, is not applicable to the cases involving fraud or collusion or willful mis-statement or suppression of facts or contraventions of any of the provisions of Chapter V of the Finance Act,1994 and the rules made thereunder with intent to evade payment of Service Tax [Refer sub-section (4) of Section 73 of Finance Act, 1994].

10 Adjudication and determination of tax

10.1 What is meant by adjudication?

10.1.1 When show cause notices are issued under provisions of the Finance Act, 1994 charging any person for contravention of any provisions of the said Act and rules and/or notifications issued thereunder and penal action is proposed, the competent officers of the Department adjudge the case and issue orders. This process is called adjudication.

10.1.2 Often notices are issued under section 73 of the Finance Act, 1994 for determination of tax, and the matter is decided by a competent officer. This is also referred to as adjudication in common parlance.

10.2 Who are competent officers for adjudication?

10.2.1 The Central Board of Excise and Customs has issued notification No. 48/2010-Service Tax dated 08.09.2010 to amend the Notification No.30/2005-Service Tax dated 10.08.2005, as amended by Not. No. 16/2008-Service Tax dated 11.03.2008 specifying monetary limit of each adjudicating authority, which is as follows,-

Sr.No	**Central Excise Officer**	**Amount of service tax or CENVAT credit specified in a notice for the purpose of adjudication under section 83A**
(1)	(2)	(3)
1	Superintendent of Central Excise	Not exceeding Rs. One lakh **(excluding the cases relating to taxability of services or**

		valuation of services and cases involving extended period of limitation.)
2	Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise	Not exceeding Rs. 5 lakhs (except cases where Superintendents are empowered to adjudicate.)
3	Joint Commissioner of Central Excise	Above Rs. 5 lakhs but not exceeding Rs. 50 lakhs
4	Additional Commissioner of Central Excise	Above Rs. 20 lakhs but not exceeding Rs. 50 lakhs
5	Commissioner of Central Excise	Without limit.

10.2.2 The monetary limits for the purpose of adjudication [determination of tax] under section 73 are as specified in the Table below (Based on C.B.E.C. Circular No. 97/8/2007-S.T., dated 23.08.2007).

Sr.No	Central Excise Officer	Amount of service tax or CENVAT credit specified in a notice for the purpose of adjudication
	(2)	(3)
1	Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise	Not exceeding Rs. 5 lakhs
2	Joint Commissioner of Central Excise	Above Rs.5 lakhs but not exceeding Rs. 50 lakhs
3	Additional Commissioner of Central Excise	Above Rs. 20 lakhs but not exceeding Rs. 50 lakhs
4	Commissioner of Central Excise	Without limit.

10.3 Is the presence of a Chartered Accountant or lawyer necessary for adjudication?

No. The noticees can defend their case themselves. However, they may also engage any person, duly authorized to defend their case before an adjudicating officer.

11 Appellate Remedies

11.1 Who should be approached when an assessee is aggrieved by an order/decision of the Adjudicating authority subordinate to the Commissioner of Central Excise/Service Tax in respect of Service Tax? What is the procedure for filing the Appeal?

i. An assessee aggrieved by such order / decision may file an Appeal to the Commissioner (Appeals), in Form ST-4, in duplicate.

ii. A copy of the order / decision appealed against should be enclosed.

iii. The Appeal should be filed within 3 months from the date of receipt of the order/decision.

iv. There is no fee for filing an Appeal before the Commissioner of Central Excise (Appeals) [Section 85 of the Act and Rule 8 of the STR, 1994].

11.2 Can the time limit of three months for filing the appeal to the Commissioner (Appeals) be extended? If yes, under what circumstances?

Yes. If the Commissioner (Appeals) is satisfied that the appellant was prevented by sufficient cause from presenting the Appeal within the statutory period of three months, he may allow the Appeal to be presented within a further period of three months. The law does not provide for further extension of time. [Proviso to Section 85(3) of the Act].

11.3 Can an Appeal be filed against the order / decision of the Commissioner of Central Excise or Commissioner (Appeals)? If so, what is the procedure for that?

Yes. The procedure is as follows:-

i. The Appeal against the order of the Commissioner of Central Excise or Commissioner (Appeals) can be filed before the Customs, Excise and Service Tax Appellate Tribunal (in short, CESTAT). The Appeal should be filed within three months of the date of receipt of the order sought to be appealed against.

ii. It should be filed in the prescribed Form (ST-5) in quadruplicate.

iii. It should be accompanied by a certified copy of the order appealed against.

iv. The Appeal should be accompanied by the prescribed fee based on the amount of Service Tax and interest demanded and penalty levied i.e. Rs.1000/- if the amount involved is Rs.5 lakhs or less, Rs.5000/- if the amount involved is more than Rs.5 lakhs but not exceeding Rs.50 lakhs and Rs.10,000/- if the amount involved is more than Rs.50 lakhs. [Section 86 of the Act and Rule 9 of the STR, 1994].

12 CENVAT Credit Scheme

12.1 What is CENVAT Credit Scheme with reference to Service Tax assessees?

The CENVAT Credit Rules, 2004, introduced with effect from 10.9.2004, provides for availment of the credit of the Service Tax paid on the input services/Central Excise duties paid on inputs/capital goods/Additional Customs duty leviable under section 3 of the Customs Tariff Act, equivalent to the duties of excise. Such credit amount can be utilized towards payment of Service Tax by an assessee on their output services. (Refer to Rule 3 of CENVAT Credit Rules, 2004). 28 Such credit availed by a manufacturer can also be utilized for discharging their liability towards Service Tax and / or Central Excise duties [Refer Rule 3 of CENVAT Credit Rules, 2004 read with Notfn,.No.27/2007-CE(NT) dated 12.05.2007].

12.2 What are the duties / taxes that can be availed as credit?

As mentioned at para 12.1, Duties paid on the inputs and capital goods, and the Service Tax paid on the „input" services can be taken as credit. Education Cess paid on the Excise duty and Service Tax can also be taken as credit. However, the credit of such Education Cess availed can be utilized only for payment of Education Cess relating to output service.

The interest and penalty amounts cannot be taken as credit.

12.3 What is meant by _input', _input service' and _capital goods' for a service provider?

These terms have been defined in the CENVAT Credit Rules, 2004. (Refer Rule 2).

12.4 Is it compulsory that the inputs / capital goods are to be purchased only from the manufacturers for the purpose of availment of credit?

No. The inputs/capital goods can be procured from the First stage and Second stage dealers also. Those dealers should have registered themselves with the Central Excise Department. The invoices issued by them should contain proper details about the payment of duty on those goods. (Refer Rule 9 of CENVAT Credit Rules, 2004.)

12.5 What are the documents prescribed for availment of the CENVAT Credit?

The documents on which CENVAT credit can be availed are as follows:-

(i) Invoice issued by the manufacturers and his depot/ consignment agents
(ii) Invoice issued by the Importer and his depot/consignment agents
(iii) First stage and Second stage dealer registered with the Central Excise Department
(iv) Bill of Entry
(v) Invoice/Bill/Challan issued by the provider of input Services
(vi) Invoice/Bill/Challan issued by the Input Service distributor.
(vii) Certificate issued by the Appraiser of Customs in respect of the goods Imported through Foreign Post Office.
(viii) A Challan evidencing payment of service tax by a person liable to pay service tax in the service category of auxiliary insurance, goods transport, recipient of service from a foreign country and sponsorship.

12.6 Whether it is necessary to avail credit only after making payment against the bill /invoice/challan in respect of input services?

Yes. Credit of Service Tax on the input services can be availed, only after making payment of the amount indicated in the invoice / bill/challans. This is necessary because, the input service provider wil be paying the Service Tax to the Govt. only after he realizes the payment, as the payment of Service Tax is only upon realization. [Rule 4(7) of the CENVAT Credit Rules, 2004]. 29 The above requirement is not applicable in respect of credit of duties paid on inputs and capital goods.

12.7 Who is an —Input Service Distributor‖?

An office of the manufacturer or provider of output service who receives invoices for the procurement of input services and issues invoices for the purpose of distributing the credit of Service Tax paid to such manufacturer or provider of output service is an “Input Service Distributor”. [Refer Rule 2(m) of CENVAT Credit 2004].

The credit of the tax amount so distributed to various places shall not exceed the total Service Tax amount contained in the original invoice / bill. [Refer rule 7(a) of CENVAT Credit Rules, 2004].

12.8 What is the format of the invoice / bill / challan to be issued by the input service distributor?

No specific format has been prescribed. However, the same should contain the following information:-

(i) Name, address and Registration No. of the service provider.
(ii) Sl. No and date.
(iii) Name and address of the input service distributor.
(iv) The name and address of the recipient to whom the Service Tax credit is distributed.
(v) The amount of credit being distributed.

12.9 Whether the input service distributors should get themselves registered with the Department? Whether they have to file any returns with the Department?

Yes. They have to register themselves as per the provisions under Service Tax (Registration of Special Category of Persons) Rules, 2005. They have to file half yearly returns by the end of the month following the half year. [Refer rule 3 of Service Tax (Registration of Special Category of Persons) Rules, 2005].

12.10 What are the records to be maintained by the persons availing credit?

There is no specific format of records to be maintained. However, they have to maintain adequate records showing the details such as receipt, disposal, consumption and inventory of inputs and capital goods, the amount of credit taken and utilized etc. (Refer rule 9(5) of CENVAT Credit Rules, 2004).

12.11 What should be done, if an assessee is rendering both taxable services as well as exempted services, but the inputs and input services are common?

12.11.1 Separate accounts are to be maintained for the receipt, consumption and inventory of input and input service meant for providing taxable output service and for use 30 in the exempted services. Credit should be taken only on that quantity of input /input services which are used for the service on which Service Tax is payable. (Ref. Rule 6 of Cenvat Credit Rules, 2004).

12.11.2 If **separate** accounts are not maintained, the provider of output service shall pay an amount equal to 6% percent of value of exempted services or pay an amount equivalent to the CENVAT credit attributable to input/input services used in, or in relation to provision of exempted services subject to the conditions specified in sub-rule (3A) ibid. (Ref. Rule 6(3 & 3A) of Cenvat Credit Rules, 2004 read with Not.No.16/2009 CE (NT) dt. 07.07.2009).

However, in terms of Rule 6(5) of Cenvat Credit Rules 2004, even though no separate accounts are maintained in respect of services listed in Appendix 5, CENVAT credit shall be allowed unless such services are exclusively used in or in relation to the manufacture of exempted goods or providing exempted services.

12.12. Whether Cenvat credit is admissible on capital goods which are exclusively used in providing exempted goods ?
No.

12.12 Is unutilized CENVAT credit refundable?

Refund of accumulated credit is admissible only in case of exports of finished goods or output service. Where any input or input service is used in providing output service or manufacture of goods which are exported, the CENVAT credit in respect of the input or input service so used shall be allowed to be utilized towards payment of service tax on any other output service or excise duty on other excisable goods. If such adjustment is not possible due to any reason, it will be allowed as refund subject to the safeguards, conditions and limitations specified by the Central Government.

13 Export of Services and taxable service used in relation to export of goods.

13.1 What is Export of Services? Whether export of services is exempted from Service Tax?

What constitute export of service is defined in the Export of Service Rules, 2005. The export of taxable services is exempted from Service Tax.

13.2 What constitutes export of services?

The Export of Services, Rules, 2005 specifies **3** categories of cross border transaction of services and conditions that wil be construed as export of services in cases of:

i. Specified services which are provided in relation to immovable properties situated outside India – [See list of services in Appendix-4] (Refer Rule 3(1)(i) of Export of Service Rules,2005).

ii. Specified services which are partly performed outside India – [See list of services in Appendix – 4] (Ref. Rule 3(1)(ii) of Export of Service Rules,2005).

iii. the remaining taxable services, barring a few exceptions, when provided in relation to business or commerce, to a recipient located outside India, and when such services are provided not in relation to business or commerce, it should be provided to a recipient located outside India at the time of provision of such service.

However, where such recipient has commercial establishment or any office relating thereto, in India, such taxable services provided shall be treated as export of service only when order for provision of such service is made from any of his commercial establishment or office located outside India. [See list of services in Appendix – 4] (Ref. Rule 3(I)(iii) of Export of Service Rules,2005).

Further condition to be met for treating the provision of any taxable service as export of service -

payment for such service is received by the service provider in convertible foreign exchange.

[Ref. Rule 3(2) of the Export of Service Rules, 2005].

Thus, each transaction has to be seen individually to ascertain if it constitutes export of services, fulfilling the requisite parameters.

13.3 If export proceeds are received in Indian currency, will it be denied export benefit?

If export proceeds are received in Indian currency, no export benefits shall be available. [Ref. Rule 3(2)(b) of Export of Service Rules, 2005].

13.4 If a foreign national pays in convertible foreign currency for service received by him in India, and he returns to foreign country, will it be treated as export?

If services are rendered in India, it shall not be treated as export, even if it is rendered to any foreign national and he pays in convertible foreign currency.
[Ref. Rule 3(2)(a) of Export of Service Rules, 2005].

13.5 What are the incentives for export of services?

13.5.1 Taxable services may be exported without payment of service tax, provided the conditions specified in Export of Service Rules, 2005 are fulfilled.

13.5.2 Where service tax has already been paid on export of services to countries (other than Nepal and Bhutan), rebate/refund of such service tax, can be availed under notification no 11/2005-ST dated 19.4.2005;

13.5.3 Where excise duty / service tax has already been paid **on the inputs and input services** used in export of services to countries (other than Nepal and Bhutan), rebate/refund of such excise duty on inputs and service tax paid on input services can be availed under notification no. 12/2005- ST dated 19.4.2005;

13.5.4 Where taxable services are exported without payment of tax, but CENVAT Credit was availed, the refund of accumulated CENVAT Credit (if cannot be fully used for payment of service tax), may be claimed as refund under rule 5 of the CENVAT Credit Rules, 2004 read with notification no. 11/2002-CE (N.T.) dated the 1st March, 2002, as amended.

13.6 Whether service tax paid on taxable services used in relation to export of goods, Refundable?

Under Notification No.05/2006-CE(NT) dated 14.03.2006, as amended by Notification No.07/2010-CE(NT) dated 27.02.2010, refund of CENVAT credit is allowed in respect of:

(a) input or input service used in the manufacture of final product which is cleared for export under bond or letter of undertaking;
(b) input or input service used in providing output service which has been exported without payment of service tax,

subject to safeguards, conditions and limitations, as set out in the said notifications.

13.7 Where can one file the rebate claims or refund of unutilized CENVAT Credit?

The rebate claims or refund of utilized CENVAT Credit application has to be filed in the Central Excise or Service Tax Division/Group where the assessee is registered.

13.8. Where can one file claims for refund of service tax paid on taxable services used by the exporter of goods, allowed under Notification No 17/2009 ST dated 7.7.2009?

The manufacturer-exporter / exporter has to file the claim for refund to the Assistant Commissioner of Central Excise or the Deputy Commissioner of Central Excise, as the case may be, having jurisdiction over the factory of manufacture / the registered office or the head office, as the case may be, of such exporter.

Under Notification No.18/2009-ST dated 07.07.2009, the following two services have been exempted, if they are used for export of goods and where the liability to pay the tax on such services is on the exporter himself, on reverse charge basis,-
(i) Transport of goods by road, from the place of removal to any ICD, CFS, port or airport; or from any CFS or ICD to the port or airport; and
(ii) Services provided by a foreign commission agent for procuring orders.

subject to fulfillment of conditions as set out in the said notifications.

14 Service Tax on receipt of services from outside India [Import of services]

14.1 What is the statutory provision regarding taxing of services provided from outside India and received in India ?

Section 66A of the Finance Act, 1994, inserted with effect from 18.4.2006, provides that where any taxable service is provided or to be provided by a person who has established a business or has a fixed establishment from which the service is provided or to be provided or has his permanent address or usual place of residence, in a country other than India, and is received by a person who has his place of business, fixed establishment, permanent address or usual place of residence, in India, such service shall be taxable service, and such taxable service shall be treated as if the recipient had himself provided the service in India.

14.2 Is the recipient of service liable to pay tax for the taxable service is provided from outside India?

The recipient of service shall be liable to pay tax if the provider of service do not have any established business or a fixed establishment in India. However, a person carrying on a business through a branch or agency in any country shall be treated as having a business establishment in that country (including India).

14.3 Where provider of the service has his business establishments in more than one country, which country should be treated as the country from which service is provided?

If the provider of the service (from outside India) has his business establishments in more than one country, the country, where the establishment of the provider of service directly concerned with the provision of service is located, shall be treated as the country from which the service is provided or to be provided. (Ref.: Section 66A (2) of the Finance Act,1994.).

14.4 What will be _usual place of residence' of a body corporate?

Usual place of residence, in relation to a body corporate, means the place where it is incorporated or otherwise legally constituted. (Ref.: Explanation 2 to sub-section 2 of Section 66A of the Finance Act,1994.)

14.5 What constitutes import of services?

The Taxation of Services (Provided from Outside India and Received in India) Rules, 2006 specifies 3 categories of cross border transaction of services and conditions that wil be construed as import of services, namely, -

i. specified services which are provided in relation to immovable properties situated in India – [See list of services in Appendix-4]
(Ref. Rule 3(i) of The Taxation of Services Rules 2006).

ii. specified services which are provided partly in India –
[See list of services in Appendix -4]
(Ref. Rule 3(ii) of The Taxation of Services Rules 2006).

ii. the remaining taxable services, barring a few exceptions, when provided in relation to business or commerce, to a recipient located in India. [See list of services in Appendix -4]
(Ref. Rule 3(iii) of The Taxation of Services Rules 2006).

Thus, each transaction has to be seen individually to ascertain if it constitutes import of services, fulfilling the requisite parameters.

15 Advance Ruling

15.1 What is meant by advance ruling?

Advance ruling means the determination, by the Authority, of a question of law or fact specified in the application regarding the liability to pay service tax in relation to service proposed to be provided, by the applicant. Activity means service to be provided. (See Section 96A of the Finance Act, 1994)

15.2 What is the scheme of advance rulings?

Authority for Advance Rulings for Excise and Customs is meant to provide binding ruling on important issues so that intending investors will have a clear-cut indication of their duty/tax liability in advance.

Since advance rulings are not appealable under the Finance Act, 1994, it assures the applicant of the finality of the tax liability and hence freedom from spending time, energy and money in legal battles which mostly become long-drawn.

15.3 Who can apply for an advance ruling?

i. A non-resident setting up a joint venture in India in collaboration with a nonresident or a resident; or

ii. A resident setting up a joint venture in India in collaboration with a non-resident; or

iii. A wholly owned subsidiary Indian company, of which the holding company is a foreign company, which proposes to undertake any business activity in India;

iv. A joint venture in India,
(Ref.: Section 96A of the Service Tax, Provisions under Finance Act, 1994).

v. A resident falling within any such class or category of persons, as the Central Government may, by notification in the official Gazette, specify in this behalf, and which or who, as the case may be, makes application for advance ruling under subsection (1) of section 28H of the Customs Act or Section 23C of Central Excise Act or Section 96C of Service Tax provisions of Finance Act, 1994.

v. A resident as an applicant who proposes to import any goods from the Republic of Singapore under Comprehensive Economic Co-operation Agreement (CECA). –Refer Notification No.69/2005 dated 29.07.2005

15.4 On which questions can an advance ruling be sought?
Advance rulings, concerning service tax matters, can be sought in respect of –

i. Classification of any service as a taxable service under Chapter V of the Finance Act, 1994;

ii. Principles to be adopted for the purposes of determination of value of taxable service under the said Act;

iii. Determination of the liability to pay service tax on a taxable service under the said Act;

iv. Valuation of taxable services for charging Service Tax; and

v. Applicability of notifications issued under said Act.
(Ref.: Section 96C(2) of Finance Act,1994).

15.5 Where is the Authority located and who can be contacted for information/ guidance?

Office of the Authority for Advance Rulings (Central Excise, Customs & Service Tax), 4th Floor (Room No. 445 to 465, 467 & 469), Hotel Samrat, Kautilya Marg, Chanakyapuri, New Delhi – 110 021, Phone 91-11-26876402/26876406, Fax No. 91-11-26876410, Email :aarcce@hub.nic.in,

Further information, including those relating to the procedure for filing application, fees and formats of annexure, is available on Website: www.cbec.gov.in/cae/aar.htm

16 Where can the department be contacted?

In Ahmedabad, Bangalore, Chennai, Delhi, Kolkata & Mumbai (Mumbai I & II) there are exclusive Service Tax Commissionerates . The contact informations in respect of all the locations are given below:

Sr.No.	Zone	Phone No.	E-mail Address / Web site
1	Ahmedabad	079-6305087 079-26309079	cexd2308@excise.nic.in http://sevakarahmedabad.nic.in ccahmdbd@excise.nic.in
2	Delhi	011-23378711	st.delhi@gmail.com http://delhiservicetax.gov.in
3	Bangalore	080-22245739	adcstaxblr@eth.net http://servicetaxbangalore.gov.in
4	Chennai	044-24330840-42	chennaiservicetax@dataone.in http://servicetaxchennai.gov.in
5	Kolkata	033-22428922	Servicetax_kolkata@yahoo.com http://kolkata-servicetax.gov.in
6	Mumbai-I	022-22060619	commissioner@servicetaxmumbai.gov.in
7	Mumbai-II	022-24131285 022-24147945 022-24133335	ccozone2ofice@yahoo.com
8	Bhopal	0755-2765208	cec2006@dataone.in,
9	Bhubaneshwar	0674-2581135	ccbbsr@rediffmail.com
10	Chandigarh	0172-2704180	ccchandi@msn.com
11	Kerala	0484-2394100	cccochin@excise.nic.in
12	Coimbatore	0422-2221981	ccocbe@vsnl.net
13	Hyderabad	040-23232028	ccehyd@excise.nic.in
14	Jaipur	0141-2385463	cexjaipu@excise.nic.in
15	Lucknow	0522-2612606	ccolkwzone@yahoo.co.in
16	Mysore	0821-2476912	ccmysore@rediffmail.com
17	Meerut	0121-2769785	ccmeerut@excise.nic.in

18	Nagpur	0712-2565375	cccexnag_ngp@sacharnet.in
19	Pune	020-26051815	ccexpune@pn3.vsnl.net.in
20	Ranchi	0651-2330022	enexranchi@rediffmail.com
21	Shillong	364-2504178	ccshillo@excise.nic.in
22	Vadodara	0265-2331002	chiefcomgujrat@hotmail.com
23	Visakhapatnam	0891-2568837	ccvizag@excise.nic.in

Besides this, the Commissionerates could also be contacted at the address and numbers published in the „Help Center‟ menu in the Service Tax section of the CBEC website, www.cbec.gov.in.

17. Web enabled facility for the Assessee

17.1 What is ACES?

ACES is abbreviated form of „Automation of Central Excise and Service Tax‟ . It is a Centralized, web based software application.

17.2 What are the Service Tax application covered in ACES?

Service Tax applications such as Registration, Returns, Refunds, ST-3A, Audit, Dispute Resolution are covered in ACES.

17.3 Who can make use of ACES?

Any assessee or person who wants to transact any business with Service Tax or Central Excise Department can use ACES.

17.4 For what exactly can ACES be used?

i. Online registration and amendment of registrations details.
ii. Electronic filing of documents such as returns, claims, letter for permission/ intimation etc.
iii. Online tracking of status of applications filed for claims, permission/ intimation etc.
iv. Online facility to view documents like Registration Certificates, Returns, Show Cause Notice, Order-in-Original etc.

17.5 From where can ACES Home page be accessed?

ACES Homepage can be accessed – Directly accessing through http://www.aces.gov.in

Clicking on “Automation of Central Excise and Service Tax (ACES)” hyperlink .

17.6 What are the salient features of ACES homepage?

ACES homepage is an interface for users/ assessees to access the Central Excise and Service Tax application. The website also enable users to make online payment through e-payment, download the return and keep track of latest updates of

ACES application and gives link to various sites under Central Board of Excise and Customs.

18. **STRP Scheme, 2009**

18.1 What is STRP Scheme, 2009?

The STRP is a scheme notified vide Notification No. 7/2009-ST dated 03/02/2009 whereby Service Tax Payer can take assistance of Service Tax Preparer to file return on his behalf.

18.2 Who can become STRP?

i. Any person who has completed education upto senior Secondary level, under 10+2 education system.
ii. Any individual who holds Tax Return Preparer Certificate under Income Tax Act.

18.3 Is there any identification no. allotted to STRP?

Yes. A Service Tax Return Preparer Certificate and a unique identification number is allotted for this purpose.

Appendix- 1

List of Taxable Services

Sr. No.	Service Category	Date of Introduction	Accounting Codes				
			Tax Collection	Other Receipts	Deduct Refunds	Education Cess	Secondary & Higher Education Cess
1	Advertising	01.11.1996	00440013	00440016	00440017	00440298	00440426
2	Air Travel Agent	01.07.1997	00440032	00440033	00440034	00440298	00440426
3	Airport Services	10.09.2004	00440258	00440259	'00440260	00440298	00440426
4	Architect	16.10.1998	00440072	00440073	00440074	00440298	00440426
5	Asset management (by other than Banking company	01.06.2007	00440418	00440419	00440420	00440298	00440426
6	ATM Operations, Management or Maintenance	01.05.2006	00440346	00440347	00440348	00440298	00440426
7	Auctioneers" ' service, other than auction of property under directions or orders of a count of or auction by Central Govt.	01.05.2006	00440370	00440371	00440372	00440298	00440426

8	Authorised Service Station	16.07.2001	00440181	00440182	00440183	00440298	00440426
9	Auxiliary to Gen. Insurance / Life Insurance 16.07.2001 /	16.08.2002	00440169	00440170	00440171	00440298	00440426
10	Banking & Other Financial Services also includes foreign exchange broking and purchase or sale of foreign currency	16.07.2001	00440173	00440174	00440175	00440298	00440426
11	Beauty Parlour	16.08.2002	00440209	00440210	00440211	00440298	00440426
12	Broadcasting	16.07.2001	00440165	00440166	00440167	00440298	00440426
13	Business Auxiliary Service including promotion or marketing or all games of chance whether or not conducted online i.e. lottery, lotto, bingo etc.	01.07.2003	00440225	00440226	00440227	00440298	00440426
14	Business Exhibition Service	10.09.2004	00440254	00440255	00440256	00440298	00440426
15	Business Support Service	01.05.2006	00440366	00440367	00440368	00440298	00440426
16	Cable Operator	16.08.2002	00440217	00440218	00440219	00440298	00440426
17	Cargo Handling also covers packing with transportation	16.08.2002	00440189	00440190	00440191	00440298	00440426
18	Chartered Accountant	16.10.1998	00440092	00440093	00440094	00440298	00440426
19	Cleaning Service	16.06.2005	00440318	00440319	00440320	00440298	00440426
20	Clearing & Forwarding Agent	16.07.1997	00440045	00440046	00440047	00440298	00440426
21	Clubs and Associations	16.06.2005	00440322	00440323	00440324	00440298	00440426
22	Commercial or Industrial Construction	10.09.2004	00440290	00440291	00440292	00440298	00440426
23	Commercial Training or Coaching	01.07.2003	00440229	00440230	00440231	00440298	00440426

24	Company Secretary	16.10.1998	00440100	00440101	00440102	00440298	00440426
25	Construction of Residential Complex	16.06.2005	00440334	00440335	00440336	00440298	00440426
26	Consulting Engineer	07.07.1997	00440057	00440058	00440059	00440298	00440426
27	Convention Centre	16.07.2001	00440133	00440134	00440135	00440298	00440426
28	Cost Accountant	16.10.1998	00440096	00440097	00440098	00440298	00440426
29	Courier	01.11.1996	00440014	00440018	00440019	00440298	00440426
30	Credit Card, Debit Card, Charge Card or other payment ard related services	01.05.2006	00440394	00440395	00440396	00440298	00440426
31	Credit Rating Agency	16.10.1998	00440088	00440089	00440090	00440298	00440426
32	Custom House Agent	15.06.1997	00440026	00440027	00440028	00440298	00440426
33	Commodity exchange service	16.05.2008	00440438	00440439	00440440	00440298	00440426
34	Cosmetic & Plastic Surgery						
35	Design Service	01.06.2007	00440422	00440423	00440424	00440298	00440426
36	Development & Supply of Content	01.06.2007	00440414	00440415	00440416	00440298	00440426
37	Dredging	16.06.2005	00440310	00440311	00440312	00440298	00440426
38	Dry Cleaning	16.08.2002	00440221	00440222	00440223	00440298	00440426
39	Erection, Commissioning or Installation	01.07.2003	00440233	00440234	00440235	00440298	00440426
40	Event Management	16.08.2002	00440197	00440198	00440199	00440298	00440426
41	Fashion Designer	16.08.2002	00440213	00440214	00440215	00440298	00440426
42	Forward Contract Services	10.09.2004	00440282	00440283	00440284	00440298	00440426
43	Franchise Service	01.07.2003	00440237	00440238	00440239	00440298	00440426
44	General Insurance	01.07.1994	00440005	00440006	00440120	00440298	00440426
45	Health Club & Fitness Centre	16.08.2002	00440205	00440206	00440207	00440298	00440426

46	Information Technology Software	16.05.2008	00440452	00440450	00440451	00440298	00440426
47	Intellectual Property Service	10.09.2004	00440278	00440279	00440280	00440298	00440426
48	Interior Decorator	16.10.1998	00440076	00440077	00440078	00440298	00440426
49	Internet Café	01.07.2003	00440241	00440242	00440243	00440298	00440426
50	Internet Telecommunication	16.05.2008	00440382	00440383	00440384	00440298	00440426
51	Life Insurance	10.09.2004	00440185	00440186	00440187	00440298	00440426
52	Legal Consultancy Service	01.09.2009					
53	Mailing List Compilation and Mailing	16.06.2005	00440330	00440331	00440332	00440298	00440426
54	Management Consultant	16.10.1998	00440116	00440117	00440118	00440298	00440426
55	Management of Investment ULIP	16.05.2008	00440430	00440431	00440432	00440298	00440426
56	Management, Maintenance or Repair Service	01.07.2003	00440245	00440246	00440247	00440298	00440426
57	Mandap Keeper	01.07.1997	00440035	00440036	00440037	00440298	00440426
58	Manpower Recruitment or Supply Agency	07.07.1997	00440060	00440061	00440062	00440298	00440426
59	Market Research Agency	16.10.1998	00440112	00440113	00440114	00440298	00440426
60	Mining of Mineral, Oil or Gas	01.06.2007	00440402	00440403	00440404	00440298	00440426
61	On-line Information & Database Access or Retrieval Service	16.07.2001	00440153	00440154	00440155	00440298	00440426
62	Opinion Poll Service	10.09.2004	00440274	00440275	00440276	00440298	00440426
63	Outdoor Catering Service	10.09.2004	00440051	00440052	00440053	00440298	00440426
64	Packaging Service	16.06.2005	00440326	00440327	00440328	00440298	00440426
65	Pandal & Shamiana Service	10.09.2004	00440054	00440055	00440056	00440298	00440426

66	Photography	16.07.2001	00440129	00440130	00440131	00440298	00440426
67	Port Service	16.07.2001	00440177	00440178	00440179	00440298	00440426
68	Port Service (other)	01.07.2003	00440177	00440178	00440179	00440298	00440426
69	Processing & Clearing Houses in relation to securities, goods and forward contracts	16.05.2008	00440442	00440443	00440446	00440298	00440426
70	Public Relations Service	01.05.2006	00440374	00440375	00440376	00440298	00440426
71	Rail Travel Agent	16.08.2002	00440201	00440202	00440203	00440298	00440426
72	Real Estate Agent / Consultant	16.10.1998	00440104	00440105	00440106	00440298	00440426
73	Recognized Association goods/ forward contracts	16.05.2008	00440438	00440439	00440440	00440298	00440426
74	Recognized Stock Exchanges	16.05.2008	00440434	00440435	00440436	00440298	00440426
75	Recovery Agent	01.05.2006	00440350	00440351	00440352	00440298	00440426
76	Registrar to an Issue	01.05.2006	00440338	00440339	00440340	00440298	00440426
77	Rent - a - Cab Operator	16.07.1997	00440048	00440049	00440050	00440298	00440426
78	Renting of Immovable Property inclusive of permission to use such property irrespective of transfer of possession or control of property.	01.06.2007	00440406	00440407	00440408	00440298	00440426
79	Sale of space or time for Advertisement, other than print media	01.05.2006	00440354	00440355	00440356	00440298	00440426
80	Scientific & Technical Consultancy	16.07.2001	00440125	00440126	00440127	00440298	00440426

81	Security Agency	16.10.1998	00440108	00440109	00440110	00440298	00440426
82	Share Transfer Agent	01.05.2006	00440342	00440343	00440344	00440298	00440426
83	Ship Management service	01.05.2006	00440378	00440379	00440380	00440298	00440426
84	Site Preparation	16.06.2005	00440306	00440307	00440308	00440298	00440426
85	Sound Recording	16.07.2001	00440161	00440162	00440163	00440298	00440426
86	Sponsorship service provided to anybody corporate or firm, other than sponsorship of sports event	01.05.2006	00440358	00440359	00440360	00440298	00440426
87	Steamer Agent	15.06.1997	00440029	00440030	00440031	00440298	00440426
88	Stock Broker	01.07.1994	00440008	00440009	00440121	00440298	00440426
89	Storage & Warehousing	16.08.2002	00440193	00440194	00440195	00440298	00440426
90	Supply of tangible goods	16.05.2008	00440445	00440447	00440448	00440298	00440426
91	Survey & Exploration of Minerals	10.09.2004	00440270	00440271	00440272	00440298	00440426
92	Survey and Map Making	16.06.2005	00440314	00440315	00440316	00440298	00440426
93	T.V. & radio Programme Production Services	10.09.2004	00440286	00440287	00440288	00440298	00440426
94	Technical Testing & Analysis,	01.07.2003	00440249	00440250	00440251	00440298	00440426
95	Technical Inspection & Certification	01.07.2003	00440249	00440250	00440251	00440298	00440426
96	Telecommunicatio n Service	01.06.2007	00440398	00440399	00440400	00440298	00440426
97	Tour Operator except for the use of educational bodies.	01.09.1997	00440063	00440064	00440065	00440298	00440426
98	Transport of goods by Air	10.09.2004	00440266	00440267	00440268	00440298	00440426

99	Transport of goods by Road	01.01.2005	00440262	00440263	00440264	00440298	00440426
100	Transport of goods in containers by rail by any person other than Government railway	01.05.2006	00440390	00440391	00440392	00440298	00440426
101	Transport of goods other than water, through Pipeline or other conduit	16.06.2005	00440302	00440303	00440304	00440298	00440426
102	Transport of passengers embarking on international journey by air, other than economy class passengers	01.05.2006	00440362	00440363	00440364	00440298	00440426
103	Transport of persons by cruise ship	01.05.2006	00440386	00440387	00440388	00440298	00440426
104	Travel Agent other than Air & Rail Travel	10.09.2004	00440294	00440295	00440296	00440298	00440426
105	Transport of goods through waterways	01.09.2009					
106	Transport of goods by rail	01.09.2009					
107	Underwriter	16.10.1998	00440084	00440085	00440086	00440298	00440426
108	Video Tape Production	16.07.2001	00440157	00440158	00440159	00440298	00440426
109	Works Contract	01.06.2007	00440410	00440411	00440412	00440298	00440426
110	Services of promoting , marketing or organizing of games of change, including lottery.	01.07.2010	00440595	00440596	00440597	00440298	00440426
111	Health services undertaken by hospitals or medical establishments for the employees of business organization and health services provided under health insurance scheme offered by Insurance	01.07.2010	00440598	00440599	00440600	00440298	00440426

	companies.						
112	Services provided for maintenance of medical records of employees of a business entity.	01.07.2010	00440601	00440602	00440603	00440298	00440426
113	Promoting a „brand" of goods, services, events, business entity etc.	01.07.2010	00440604	00440605	00440606	00440298	00440426
114	Services of permitting commercial use or exploitation of any event organized by a person or an organization.	01.07.2010	00440607	00440608	00440609	00440298	00440426
115	Services provided by Electricity Exchanges.	01.07.2010	00440610	00440611	00440612	00440298	00440426
116	Services related to two types of copyrights hitherto not covered under existing taxable services „Intellectual Property Right(IPR), namely, that on (a) cinematographic films and (b) sound recording.	01.07.2010	00440613	00440614	00440615	00440298	00440426
117	Special services provided by builder etc. to the prospective buyers such as providing preferential location or external or internal development of complexes on extra charges.	01.07.2010	00440616	00440617	00440618	00440298	00440426

Note:

1. 8 new services (Sr. No. 110 to 117 above) have become taxable with effect from 01.07.2010 vide Notfn. No. 24/2010-ST dated 22/02/2010.
2. The sub-head "Other Receipts" is meant for interest, penalty leviable on delayed payment of service tax
3. The sub-head "Deduct Refunds" is not to be used by the assessees. It is meant for the Central Excise Department while allowing refund.

Appendix- 2

Abatements

Sl.No	Sub clause of section 65(105)	Description of taxable service	Conditions	Percentage amount of value on which ST is required to be paid
	(m)	(1) The use of mandap, including the facilities provided to **[any person]5** in relation to such use and also for the catering charges. (2) Taxable service provided by a hotel as mandap keeper in such cases where services provided include catering services, that is, supply of food alongwith any service in relation to use of a mandap.	This exemption shall apply only in such cases where the mandapkeeper also provides catering services, that is, supply of food and the invoice, bill or challan issued indicates that it is inclusive of the charges for catering service. The invoice, bill or challan issued indicates that it is inclusive of charges for catering services. *Explanation.*-The expression "hotel" means a place that provides boarding and lodging facilities to public on commercial basis.	60
	(n)	(i) Services provided or to be provided to any person, by a tour operator in relation to a package tour. Explanation.- *The expression "package tour" means a tour wherein transportation, accommodation for stay, food, tourist guide, entry to monuments and other similar services in relation to tour are provided by the tour operator as part of the package tour to the person undertaking the tour.* (ii) Services provided or to be provided to any person, by a tour operator in relation to a tour, if the tour operator is providing services solely of arranging or booking accommodation for any person in relation to a tour. (iii) Services, other than services specified in (i) and (ii) above, provided or to be provided to any person, by a tour operator in relation to a tour.	The bill issued for this purpose indicates that it is inclusive of charges for such a tour. (a) The invoice, bill or challan issued indicates that it is towards charges for such accommodation, and (b) this exemption shall not apply in such cases where the invoice, bill or challan issued by the tour operator, in relation to a tour, only includes the service charges for arranging or booking accommodation for any person and does not include the cost of such accommodation. The bill issued indicates that the amount charged in the bill is the gross amount charged for such a tour.	25 10 40
3	(o)	Renting of a cab	---	40
4	(zc)	Holding of a convention, where service provided includes catering service	The gross amount charged from the **[recipient of service]5** is inclusive of the charges for the catering service.	60

4A2	(zzb)	Business auxiliary service in relation to production or processing of parts and accessories used in the manufacture of cycles, cycle rickshaws and hand-operated sewing machines, for, or on behalf of, the client.	The gross amount charged from the client is inclusive of the cost of inputs and input services, whether or not supplied by the client	70
4A6	(zm)	Services provided in relation to chit. Explanation.- "Chit" means a transaction whether called chit, chit fund, chitty, kuri, or by any other name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical installments over a definite period and that each subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to the prize amount.	------	70
5	(zzd)	Erection, commissioning or installation, under a contract for supplying a plant, machinery or equipment and erection, commissioning or installation of such plant, machinery or equipment.	This exemption is optional to the commissioning and installation agency. *Explanation.-* The gross amount charged from the **[recipient of service]5** shall include the value of the plant, machinery, equipment, parts and any other material sold by the commissioning and installation agency, during the course of providing erection, commissioning or installation service.	33
64	(zzp)	Transport of goods by road in a goods carriage.	---	25
7	(zzq)	Commercial or Industrial Construction	This exemption shall not apply in such cases where the taxable services provided are only completion and finishing services in relation to building or civil structure, referred to in sub-clause (c) of clause (25b) of section 65 of the Finance Act. *Explanation.-* The gross Amount charged shall include the value of goods and materials supplied or provided or used by the provider of the construction service	33

			for providing such service.	
8	(zzt)	Catering	This exemption shall apply in cases where,- (i) the outdoor caterer also provides food; and (ii) the invoice, bill or challan issued indicates that it is inclusive of charges for supply of food.	50
9	(zzw)	Services in relation to pandal or shamiana in any manner, including services rendered as a caterer. (ii)	This exemption shall apply only in cases where,- (i) the pandal or shamiana contractor also provides catering services, that is, supply of food; and ii)the invoice, bill or challan issued indicates that it is inclusive of charges for catering service.	70
10	(zzzh)	Construction of Complex	This exemption shall not apply in cases where the taxable services provided are only completion and finishing services in relation to residential complex, referred to in sub-clause (b) of clause (30a) of section 65 of the Finance Act. *Explanation*.- The gross amount charged shall include the value of goods and materials supplied or provided or used for providing the taxable service by the service provider.	33
11[1]	(zzzp)	Transport of goods in containers by rail	---	30

Provided that this notification shall not apply in cases where, -

(i) the CENVAT credit of duty on inputs or capital goods or the CENVAT credit of service tax on input services, used for providing such taxable service, has been taken under the provisions of the CENVAT Credit Rules, 2004; or (ii) the service provide r has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.12/2003-Service Tax, dated the 20th June, 2003[G.S.R. 503 (E), dated the 20th June, 2003].

Explanation.- For the purposes of this notification, the expression “food” means a substantial and satisfying meal and the expression “catering service” shall be construed accordingly.

1 Inserted by Notification No.20/2006 dated 25.04.2006
2 Inserted by Notification No.23/2006 dated 02.06.2006
3 Substituted by Notification No.38/2007 dated 23.08.2007
4 Omitted vide Notification No. 12/2008 dated 01.03.2008
5 Substituted vide Notification No. 22/2008 dated 10.05.2008 effective from 16.05.2008

[6] Inserted vide Notification No. 27/2008 dated 27.05.2008

Appendix – 3

Sections of the Central Excise Act, 1944 applicable to Service Tax

Sr.No.	Section of Central Excise Act, 1944	Description
1	9C	Presumption of culpable mental state
2	9D	Relevancy of statements under certain circumstances
3	11B	Claim for refund of duty
4	11BB	Interest on delayed refunds
5	11C	Power not to recover duty of excise not levied or short levied as a result of general practice
6	12	Application of the provisions of Act No.52 of 1962 to Central Excise Duties
7	12A	Price of goods to indicate the amount of duty paid thereon
8	12B	Presumption that the incidence of duty has been passed on to the buyer
9	12C	Consumer Welfare Fund
10	12D	Utilization of the Fund
11	12E	Powers of Central Excise Officers
12	14	Power to summon persons to give evidence and produce documents in inquiries under this Act
13	14AA	Special audit in cases where credit of duty availed or utilized is not within the normal limits, etc.
14	15	Officers required to assist Central Excise Officers
15	33A	Adjudication procedure
16	35F	Deposit, pending appeal, of duty demanded or penalty levied
17	35FF	Interest on delayed refund of amount deposited under the proviso to Section 35F
18	35G	Appeal to High Court
19	35H	Application to High Court
20	35I	Power to High Court or Supreme Court to require statement to be amended
21	35J	Case before High Court to be heard by not less than two judges
22	35K	Decision of High Court or Supreme Court on the case stated
23	35L	Appeal to the Supreme Court

24	35M	Hearing before Supreme Court
25	35N	Sums due to be paid notwithstanding reference, etc
26	35O	Exclusion of time taken for copy
27	35Q	Appearance by authorized representative
28	36	Definitions
29	36A	Presumption as to documents in certain cases
30	36B	Admissibility of micro films, facsimile copies of documents and computer printouts as documents and as evidence
31	37A	Delegation of powers
32	37B	Instructions to Central Excise Officers
33	37C	Service of decisions, orders, summons, etc.
34	37D	Rounding off of duty, etc.
35	38A	Effect of amendments, etc. of rules, notifications or orders
36	40	Protection of action taken under the Act

Appendix - 4

Export of Service Rules, 2005 & Taxation of Services (Provided from Outside India and Received in India) Rules, 2006 List of Service Categories

Rule 3 (i) **Category – I**

Sr.No.	Clause	Service Category
1	d	General Insurance
2	p	Architect
3	q	Interior Decorator
4	v	Real Estate Agent
5	zzq	Commercial or Industrial Construction
6	zzza	Site Formation
7	zzzb	Dredging
8	zzzc	Survey and Map making
9	zzzh	Construction of Complex
10	zzzr	Auctioneers
11	zzzy	Mining of Minerals, Oil or Gas
12	zzzz	Renting of Immovable Property
13	zzzza	Works Contract

14	m	Mandap Keeper

Rule 3(ii) **Category – II**

Sr.No.	Clause	Service Category
1	a	Stock Broker
2	f	Courier
3	h	Custom House Agent
4	i	Steamer Agent
5	j	Clearing & Forwarding
6	l	Air Travel Agent
7	n	Tour Operator
8	o	Rent-a-cab
9	w	Security Agency
10	x	Credit Rating Agency
11	y	Market Research Agency
12	z	Underwriter
13	zb	Photography
14	zc	Convention Centre
15	zi	Video Production
16	zj	Sound Recording
17	zn	Port Service
18	zo	Authorised Service Station
19	zq	Beauty Parlour
20	zr	Cargo Handling
21	zt	Dry Cleaner
22	zu	Event Manager
23	zv	Fashion Designer
24	zw	Health Club & Fitness Centre
25	zza	Storage & Warehousing
26	zzc	Commercial Training or Coaching
27	zzd	Erection Commissioning & Installation
28	zzf	Internet Café
29	zzg	Management, Maintenance or Repair

30	zzh	Technical testing & Analysis
31	zzi	Technical Inspection & Certification
32	zzl	Other Port
33	zzm	Airport Authority
34	zzn	Transport of goods by aircraft
35	zzo	Business Exhibition
36	zzp	Goods Transport Agency
37	zzs	Opinion Poll
38	zzt	Outdoor Caterer
39	zzv	Survey & Exploration
40	zzw	Pandal & Shamiana
41	zzx	Travel Agent
42	zzy	Forward Contract
43	zzzd	Cleaning
44	zzze	Club or Association
45	zzzf	Packaging
46	zzzp	Transport of goods in containers by Rail
47	zzzzg	Recognized Stock Exchange
48	zzzzh	Recognized or Registered Association
49	zzzzi	Processing and Clearing House

Rule 3(iii) (a)

Sr.No	Clause	. Service Category
1	zzzo	Passenger embarking on international flight
2	zzzv	Cruise service

Rule 3(iii)b

Sr.No	Clause	Service Category
1	d	General Insurance
2	zzzc	Survey & map making
3	zzzr	Auctioneers

Rule 3(iii)(c) Category – III

Sr.No.	Clause	Service Category

1	b	Telephone
2	c	Pager
3	d	General Insurance
4	e	Advertising
5	g	Consulting Engineer
6	k	Manpower Recruitment or Supply
7	r	Management Consultant
8	za	Scientific or Technical Consultancy
9	zd	Leased Circuit
10	ze	Telegraph
11	zf	Telex
12	zg	Fax
13	zh	On-line Information
14	zk	Broadcasting
14	zl	Insurance Auxiliary
16	zm	Banking and Other Financial Services
17	zp	----- omitted
18	zs	Cable Operator & MSO
19	zx	Life Insurance
20	zy	Insurance Auxiliary to Life Insurance
21	zz	Rail Travel Agent
22	zzb	Business Auxiliary Service
23	zze	Franchise Service
24	zzj	------ omitted
25	zzk	Forex Broker (other than in relation to Banking)
26	zzr	Intellectual Property Service
27	zzu	Programme Producer
28	zzz	Transport through Pipeline
29	zzzc	Survey and Map making
30	zzzg	Mailing List Compilation & Mailing
31	zzzi	Registrar to an issue
32	zzzj	Share Transfer Agent
33	zzzk	ATM Operation, Maintenance & Management

34	zzzl	Recovery Agent
35	zzzm	Sale of Space for Advt. other than Print Media
36	zzzn	Sponsorship other than for Sports
37	zzzq	Business Support Service
38	zzzr	Auctioneers
39	zzzs	Public Relations Service
40	zzzt	Ship Management Service
41	zzzu	Internet Telecommunication
42	zzzw	Credit Card, Debit Card & other payment Cards
43	zzzx	Telecommunication Service
44	zzzzb	Development & Supply of Content
45	zzzzc	Asset Management other than Banking company
46	zzzzd	Design Service
47	zzzze	Information Technology Software
48	zzzzf	Management of Investment-ULIP
49	zzzzj	Supply of Tangible Goods
50	s	Chartered Accountant
51	t	Cost Accountant
52	u	Company Secretary

Appendix 5

(List of taxable services eligible for full CENVAT credit even though separate records are not maintained for taxable and exempted services).

	Category of Services taxable service Provided or to be provided to any person	Relevant Sub clause of clause 105 of Section 65 of F.A. 1994
	by Consulting Engineer in relation to advice, consultancy or technical assistance in any manner in one or more disciplines of engineering including the discipline of computer hardware engineering.	(g)
	by an architect in his professional capacity in any manner	(p)
	by an interior decorator in relation to painting, design or beautification of spaces, whether man-made or otherwise in any manner	(q)
	by management or business consultant (in connection with the management of any organization or business, in any manner ;	
	by a real estate agent real estate agent in relation to real estate	(v)
	by a security agency in relation to the security of any property or person, by providing security personnel or otherwise and includes the provision of services of investigation, detection or verification of any fact or activity ;	(w)

	by a scientist a technocrat, or any science or technology institution or organization, in relation to scientific or technical consultancy;	(za)
	by a banking company a financial institution including a non-banking Financial company or any other body corporate in relation to banking and other financial services	(zm)
	Omitted (w.e.f.10.09.2004)	(zp)
	by a insurance auxiliary to a or by an actuary, or intermediary or insurance intermediary or insurance agent, in relation to insurance auxiliary services concerning life insurance	(zy)
	business;	(zzd)
	Commissioning or installation by agency in relation to commissioning or installation;	(zzg)
	maintenance or repair by any person in relation to maintenance or repair technical testing to any person, by a technical testing and analysis agency, in relation to	(zzh)
	technical testing and analysis; foreign exchange broker by a foreign exchange broker, Including an authorized dealer in foreign exchange or an authorized money changer, other than a banking company or a	(zzk)
	financial institution including a non-banking financial company or any other body corporate or commercial concern referred to in sub-clause (zm)	(zzq)
	by a industrial or construction to any person, by, in relation to commercial or industrial	(zzr)

construction

by an intellectual property service to any person, by the holder of intellectual property right, in relation to Intellectual property service