SERVICE TAX *in one page*

General

- Rate is **12.36%**
- **Charged on GROSS amount** i.e Ignoring TDS/VAT/Other provisions.
- **No ST in current yr**. if Taxable services in PY is 10L or Less.
- ST should be charged **on the invoice which increases the 10L limit.**
- **ST + TDS example**: Bill is 90,000 after deducting TDS of 10,000, then ST is on 100,000.
- **TDS is charged on GROSS amount** as well i.e 100,000 in above example.

Section 69: Registration

- **9Lakh** is the limit for registration anytime
- Apply **within 30 days** of exceeding 9L
- See books for Documents required
- Penalty of **₹10,000 or ₹200per day** (**Higher**) for non registration.

Section 70: Return

- Date is **25th April** & **25th October**
- **Revision** can be done by 90days
- **Penalty for Non-filing (Sec.77):**
  Upto 15 days: ₹500
  15-30 days: ₹1000
  Above 30 days: ₹100/day (max. 20,000)

Section 68: Payments

- **Payment due date is** :
  For Co. : 5th/6th Of MONTH
  For others : 5th/6th of QUARTER
  March : 31st March
- **W.e.f 1st Oct 14**, ST must paid only thorugh epayment mode.
- **Int. on late payment (Sec.75):**
  Upto 6months : 18%
  6-12months : 18% (1st six months) and then 24% (For the last six months).
  More than 12months : 18% (1st six months) and then 24% (For the last six months), then 30%.

Cenvat Credit

- **ST with VAT** cannot Set off.
- **ST credit can be used** for ST/Excise payments as both under C.Govt. & vice-versa
- Credit **can be availed within 6 months** from the date of invoice/bill.
- **Credit prior to the registration** can be availed after Registration
- ST **can be paid from** the credits of Excise/ST/CVD/SAD
- Credits of Ecess/Shec cannot be used for ST but vica-versa can be done.

Point of Taxation Rules

For Service Provider:

Invoice issued within 30 days: **Invoice date**
Invoice not issued within 30 days: **Date of completion of service.**
Advance received before invoice or Completion of service: **Date of advance.**

In case of Reverse Charge (w.e.f 01/10/2014):

In case of advance payment :**Date of Advance.**
In case payment is made within 3months of invoice date : **Date of payment**
Payment not made within 3 months of invoice date: The date immidietly following the 3 months.
Bill Issued before 1st Oct & payment after 1st Oct'14 :
Payment made within 6 month :Date of payment
Payment beyond 6 months: Service provider wale rules shall apply.

Abatements

Not. 26/2012

Service	Taxed @
G.T.A	3.09%
Rail	3.708%
Vessel	4.944%
Air	4.944%
Food supply	4.944%
Shamiana	8.652%
Hotels	7.416%
Renting of MotorVec	4.944%
Contructn	3.090%
Restaurants	4.944%
Tour opertr	3.09%

Reverse Charge (Notification 30/2012)

Main Services	Provisions	Provider	Receiver
G.T.A	**Any Company/Partnership firm/Excise dealer** paying any freight **to Any Transport agency.** (If Indivual/Huf are paying freight then GTA is liable to charge ST, not Indvual.huf)	0%	3.09% (After Abatment)
Advocates	**Any Individual/Firm of advocates** providing services **to Any person in business/profession whose turnover in the PY is more than 10Lac.**	0%	12.36%
Director to Company	**Any Individual Director** providing any Service to **Any Company**	0%	12.36%
Supply of Manpower/ Security guard	**Any Individual/HUF/Firm** Providing this service to **Any Company**	3.09%	9.27%
Renting of Motor Vechile	**Any Individual/HUF/Firm** providing rent a cab service **to Any Company**	0%	4.944% (After Abat)
Import of Service	If Any Services are imported into India and provided to Any person in India (Eg. Processing charges paid to a Singapore bank for taking an ECB)	0%	12.36%

Other Important points

1. The liability of SReceiver is not discharged even if the Stax is charge by the SProvider in his bill.
2. **Excess payment of ST** can be adjusted against ST laibility in the succeding Month/quarter by fulfiling juts on condition that such excess should not be on the account of interpretation of law/taxability/exemptions.[Rule 6(4B)]
3. **Where reciever is in the non-taxable territory**, then Service provider is liable to pay service tax and not receiver.
4. Under Notifiation 25/2012, **GTA can claim exemption of ₹1500** under the single contract.This exemption is also availble in case of R.Charge.
5. **ST paid under Reverse charge can be taken as Credit** for the payment of ST as a provider or for the payment of excise duty. (Applicable only in case the Person paying ST under RC is also a service provider or manufacturer)