

SERVICE TAX

<u>FINAN C E BILL (CLAUS E NO.)</u>	<u>SECTI ON</u>	<u>NEW LAW</u>	<u>APPLI CABL E w.e f</u>	<u>EXECUTIVE SUMMARY</u>
143(A)	65(121)	<p>Words and expressions used but not defined in this Chapter and defined in the Central Excise Act, 1944 (1 of 1944) or the rules made thereunder, shall apply, so far as may be, in relation to service tax as they apply in relation to a duty of excise.</p> <p>Explanation.—For the purposes of this section, taxable service includes any taxable service provided or to be provided by any unincorporated association or body of persons to a member thereof, for cash, deferred payment or any other valuable consideration.</p> <p>Provided that the provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.</p>	Date to be notified by Central Government	Negative list of services are proposed in new service tax law whereby only specified services will remain outside the service tax net and rest all others would be put to tax at normal rates. In this regard, new section for definitions is being inserted i.e., section 65B and currently applicable section 65 will be withdrawn as soon as the new scheme would be applicable.
143(B)	65A(3)	The provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.	Date to be notified by Central Government	Negative list of services are proposed in new service tax law whereby only specified services will remain outside the service tax net and rest all others would be put to tax at normal rates. Classification of taxable services would no longer be required in view of the new scheme as made applicable.
143(C)	65B	<p>In this Chapter, unless the context otherwise requires,—</p> <p>(1) "actionable claim" shall have the meaning assigned to it in section 3 of the Transfer of Property Act, 1882;</p> <p>(2) "advertisement" means any form of presentation for promotion of, or bringing awareness about, any event, idea, immovable property, person, service, goods or actionable claim through newspaper, television, radio or any other means but does not include any presentation made in person;</p> <p>(3) "agriculture" means the cultivation of plants and rearing of all life-forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products;</p> <p>(4) "agricultural extension" means application of scientific research and knowledge to agricultural practices through farmer education or training;</p> <p>(5) "agricultural produce" means any produce of agriculture on which either no further processing is done or such processing is</p>	Date to be notified by Central Government	Negative list of services are proposed in new service tax law whereby only specified services will remain outside the service tax net and rest all others would be put to tax at normal rates. Thereby this new section for definitions is being inserted.

done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market;

(6) "Agricultural Produce Marketing Committee or Board" means any committee or board constituted under a State law for the time being in force for the purpose of regulating the marketing of agricultural produce;

(7) "aircraft" has the meaning assigned to it in clause (1) of section 2 of the Aircraft Act, 1934;

(8) "airport" has the meaning assigned to it in clause (b) of section 2 of the Airports Authority of India Act, 1994;

(9) "amusement facility" means a facility where fun or recreation is provided by means of rides, gaming devices or bowling alleys in amusement parks, amusement arcades, water parks, theme parks or such other places but does not include a place within such facility where other services are provided;

(10) "Appellate Tribunal" means the Customs, Excise and Service Tax Appellate Tribunal constituted under section 129 of the Customs Act, 1962;

(11) "approved vocational education course" means,—

(i) a course run by an industrial training institute or an industrial training centre affiliated to the National Council for Vocational Training offering courses in designated trades notified under the Apprentices Act, 1961; or

(ii) a Modular Employable Skill Course, approved by the National Council of Vocational Training, run by a person registered with the Directorate General of Employment and Training, Union Ministry of Labour and Employment; or

(iii) a course run by an institute affiliated to the National Skill Development Corporation set up by the Government of India;

(12) "assessee" means a person liable to pay tax and includes his agent;

(13) "associated enterprise" shall have the meaning assigned to it in section 92A of the Income-tax Act, 1961;

(14) "authorised dealer of foreign exchange" shall have the meaning assigned to "authorized person" in clause (c) of section 2 of the Foreign Exchange Management Act, 1999;

(15) "betting or gambling" means putting on stake something of value, particularly money, with consciousness of risk and hope of gain on the outcome of a game or a contest, whose result may be determined by chance or accident, or on the likelihood of anything occurring or not occurring;

(16) "Board" means the Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963;

(17) "business entity" means any person ordinarily carrying out any activity relating to industry, commerce or any other business;

(18) "Central Electricity Authority" means the authority constituted under section 3 of the Electricity (Supply) Act, 1948;

(19) "Central Transmission Utility" shall have the meaning assigned to it in clause (10) of section 2 of the Electricity Act, 2003;

(20) "courier agency" means any person engaged in the door-to-door transportation of time-sensitive documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles;

(21) "customs station" shall have the meaning assigned to it in clause (13) of section 2 of the Customs Act, 1962;

(22) "declared service" means any activity carried out by a person for another person for consideration and declared as such under section 66E;

(23) "electricity transmission or distribution utility" means the Central Electricity Authority; a State Electricity Board; the Central Transmission Utility or a State Transmission Utility notified under the Electricity Act, 2003; or a distribution or transmission licensee under the said Act, or any other entity entrusted with such function by the Central Government or, as the case may be, the State Government;

(24) "entertainment event" means an event or a performance which is intended to provide recreation, pastime, fun or enjoyment, by way of exhibition of cinematographic film, circus, concerts, sporting event, pageants, award functions, dance, musical or theatrical performances including drama, ballets or any such event or programme;

(25) "goods" means every kind of movable property other than actionable claim and money; and includes securities, growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

(26) "goods transport agency" means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called;

(27) "India" means,—

(a) the territory of the Union as referred to in clauses (2) and (3) of article 1 of the Constitution;

(b) its territorial waters, continental shelf, exclusive economic zone or any other maritime zone as defined in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;

(c) the seabed and the subsoil underlying the territorial waters;

(d) the air space above its territory and territorial waters; and

(e) the installations, structures and vessels located in the continental shelf of India and the exclusive economic zone of India, for the purposes of prospecting or extraction or production of mineral oil and natural gas and supply thereof;

(28) "information technology software" means any representation of instructions, data, sound or image, including source code and object code, recorded in a machine readable form, and capable of being manipulated or providing interactivity to a user, by means of a computer or an automatic data processing machine or any other device or equipment;

(29) "inland waterway" means national waterways as defined in clause (h) of section 2 of the Inland Waterways Authority of India Act, 1985 or other waterway on any inland water, as defined in clause (b) of section 2 of the Inland Vessels Act, 1917;

(30) "interest" has the meaning assigned to it in clause (28A) of section 2 of the Income-tax Act, 1961;

(31) "local authority" means-

(a) a Panchayat as referred to in clause (d) of article 243 of the Constitution;

(b) a Municipality as referred to in clause (e) of article 243P of the Constitution;

(c) a Municipal Committee and a District Board, legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;

(d) a Cantonment Board as defined in section 3 of the Cantonments Act, 2006;

(e) a regional council or a district council constituted under the Sixth Schedule to the Constitution;

(f) a development board constituted under article 371 of the Constitution; or

(g) a regional council constituted under article 371A of the Constitution;

(32) "metered cab" means any contract carriage on which an automatic device, of the type and make approved under the relevant rules by the State Transport Authority, is fitted which indicates reading of the fare chargeable at any moment and that is

charged accordingly under the conditions of its permit issued under the Motor Vehicles Act, 1988 and the rules made thereunder;

(33) "money" means Indian legal tender, cheque, promissory note, bill of exchange, letter of credit, draft, pay order, traveller cheque, money order, postal or electronic remittance or any such similar instrument when used as consideration to settle an obligation or exchange with Indian legal tender of another denomination but shall not include any currency that is held for its numismatic value;

(34) "negative list" means the services which are listed in section 66D;

(35) "non-taxable territory" means the territory which is outside the taxable territory;

(36) "notification" means notification published in the Official Gazette and the expressions "notify" and "notified" shall be construed accordingly;

(37) "person" includes,—

- (i) an individual,
- (ii) a Hindu undivided family,
- (iii) a company,
- (iv) a society,
- (v) a limited liability partnership,
- (vi) a firm,
- (vii) an association of persons or body of individuals, whether incorporated or not,
- (viii) Government,
- (ix) a local authority, or
- (x) every artificial juridical person, not falling within any of the preceding sub-clauses;

(38) "port" has the meaning assigned to it in clause (q) of section 2 of the Major Port Trusts Act, 1963 or in clause (4) of section 3 of the Indian Ports Act, 1908;

(39) "prescribed" means prescribed by rules made under this Chapter;

(40) "process amounting to manufacture or production of goods" means a process on which duties of excise are leviable under section 3 of the Central Excise Act, 1944 or any process amounting to manufacture of alcoholic liquors for human consumption, opium, Indian hemp and other narcotic drugs and narcotics on which duties of excise are leviable under any State Act for the time being in force;

(41) "renting" means allowing, permitting or granting access, entry, occupation, use or any such facility, wholly or partly, in an immovable property, with or without the transfer of possession or control of the said immovable property and includes letting, leasing, licensing or other similar arrangements in respect of immovable property;

(42) "Reserve Bank of India" means the bank established under section 3 of the Reserve Bank of India Act, 1934;

(43) "securities" has the meaning assigned to it in clause (h) of section 2 of the Securities Contract (Regulation) Act, 1956;

(44) "service" means any activity carried out by a person for another for consideration, and includes a declared service, but shall not include—

(a) an activity which constitutes merely,—

(i) a transfer of title in goods or immovable property, by way of sale, gift or in any other manner; or

(ii) a transaction in money or actionable claim;

(b) a provision of service by an employee to the employer in the course of or in relation to his employment;

(c) fees taken in any Court or tribunal established under any law for the time being in force.

Explanation 1.— For the removal of doubts, it is hereby declared that nothing contained in this clause shall apply to,—

(A) the functions performed by the Members of Parliament, Members of State Legislative, Members of Panchayats, Members of Municipalities and Members of other local authorities who receive any consideration in performing the functions of that office as such member; or

(B) the duties performed by any person who holds any post in pursuance of the provisions of the Constitution in that capacity; or

(C) the duties performed by any person as a Chairperson or a Member or a Director in a body established by the Central Government or State Governments or local authority and who is not deemed as an employee before the commencement of this section.

Explanation 2.— For the purposes of this Chapter,—

(a) an unincorporated association or a body of persons, as the case may be, and a member thereof shall be treated as distinct persons;

(b) an establishment of a person in the taxable territory and any of his other establishment in a non-taxable territory shall be treated as establishments of distinct persons.

Explanation 3.— A person carrying on a business through a

		<p>branch or agency or representational office in any territory shall be treated as having an establishment in that territory;</p> <p>(45) "Special Economic Zone" has the meaning assigned to it in clause (za) of section 2 of the Special Economic Zones Act, 2005;</p> <p>(46) "stage carriage" shall have the meaning assigned to it in clause (40) of section 2 of the Motor Vehicles Act, 1988;</p> <p>(47) "State Electricity Board" means the Board constituted under section 5 of the Electricity (Supply) Act, 1948;</p> <p>(48) "State Transmission Utility" shall have the meaning assigned to it in clause (67) of section 2 of the Electricity Act, 2003;</p> <p>(49) "support services" means infrastructural, operational, administrative, logistic, marketing or any other support of any kind comprising functions that entities carry out in ordinary course of operations themselves but may obtain as services by outsourcing from others for any reason whatsoever and shall include advertisement and promotion, construction or works contract, renting of immovable property, security, testing and analysis;</p> <p>(50) "tax" means service tax leviable under the provisions of this Chapter; (51) "taxable service" means any service on which service tax is leviable under section 66B;</p> <p>(52) "taxable territory" means the territory to which the provisions of this Chapter apply;</p> <p>(53) "vessel" has the meaning assigned to it in clause (z) of section 2 of the Major Port Trusts Act, 1963;</p> <p>(54) "works contract" means a contract wherein transfer of property in goods involved in the execution of such contract is leviable to tax as sale of goods and such contract is for the purpose of carrying out construction, erection, commissioning, installation, completion, fitting out, improvement, repair, renovation, alteration of any building or structure on land or for carrying out any other similar activity or a part thereof in relation to any building or structure on land;</p> <p>(55) words and expressions used but not defined in this Chapter and defined in the Central Excise Act, 1944 or the rules made thereunder, shall apply, so far as may be, in relation to service tax as they apply in relation to a duty of excise.</p>		
143(D)	66	<p>There shall be levied a tax (hereinafter referred to as the service tax) at the rate of twelve per cent. of the value of taxable services referred to in sub-clauses (a), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (za), (zb), (zc), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zq), (zr), (zs),</p>	Date to be notified by Central Government	In view of the new scheme of taxation (i.e. negative list of services) is being inserted and old provision of charge of service tax will not apply from the date to be notified by Central Government.

		<p>(zt), (zu), (zv), (zw), (zx), (zy), (zz), (zza), (zzb), (zzc), (zsd), (zse), (zsf), (zsg), (zsh), (zzi), (zsk), (zsl), (zsm), (zsn), (zso), (zsp), (zsq), (zsr), (zss), (zst), (zsu), (zsv), (zsw), (zsx), (zsy), (zzz), (zza), (zzb), (zzc), (zsd), (zse), (zsf), (zsg), (zsh), (zzzi), (zzzj), (zzzk), (zzzl), (zzzm), (zzzn), (zzzo), (zzzp), (zzzq), (zzzr), (zzzs), (zzzt), (zzzu), (zzzv), (zzzw), (zzzx), (zzzy), (zzzza), (zzzbb), (zzzcc), (zzzdd), (zzzde), (zzzdf), (zzzge), (zzzhh), (zzzzi), (zzzjj), (zzzkk), (zzzll), (zzzmm), (zzznn), (zzzoo), (zzzpp), (zzzqq), (zzzrr), (zzzss), (zzztt), (zzzuu), (zzzvv), (zzzww), (zzzxx), (zzzzy), (zzzza), (zzzbb), (zzzcc), (zzzdd), (zzzde), (zzzdf), (zzzge), (zzzhh), (zzzzi), (zzzjj), (zzzkk), (zzzll), (zzzmm), (zzznn), (zzzoo), (zzzpp), (zzzqq), (zzzrr), (zzzss), (zzztt), (zzzuu) of clause (105) of section 65 and collected in such manner as may be prescribed.</p> <p>Provided that the provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.</p>		
143(E)	66A(3)	<p>The provisions of this section shall not apply with effect from such date as the Central Government may, by notification, appoint.</p>	Date to be notified by Central Government	New provisions has been proposed in new scheme of service tax, thereby old provision related with reverse charges mechanism given in this section would not apply from the date to be notified by Central Government.
143(F)	66B, 66C, 66D, 66E & 66F	<p>66B. There shall be levied a tax (hereinafter referred to as the service tax) at the rate of twelve per cent. on the value of all services, other than those services specified in the negative list, provided or agreed to be provided in the taxable territory by one person to another and collected in such manner as may be prescribed.</p> <p>66C. (1) The Central Government may, having regard to the nature and description of various services, by rules made in this regard, determine the place where such services are provided or deemed to have been provided or agreed to be provided or deemed to have been agreed to be provided.</p> <p>(2) Any rule made under sub-section (1) shall not be invalid merely on the ground that either the service provider or the service receiver or both are located at a place being outside the taxable territory.</p> <p>66D. The negative list shall comprise of the following services, namely:—</p> <p>(a) services by Government or a local authority excluding the following services to the extent they are not covered elsewhere—</p> <p>(i) services by the Department of Posts by way of speed post, express parcel post, lifeinsurance and agency services provided to a person other than Government;</p> <p>(ii) services in relation to an aircraft or a vessel, inside or outside</p>	Date to be notified by Central Government	<p>Government has proposed to introduce a new scheme for charging service tax, whereby except small list of negative services all other services would be brought to tax net at normal rates.</p> <p>With this step Govt. plans to align provisions of service tax with the proposed scheme of Goods and Service Tax (we hereby remind you that since 1st April, 2010 every year Government tries to apply GST on PAN India basis whereby all states and central indirect taxes would be subsumed in this regime. There is no major success in this direction because of adamant outlook of various State Govt. for non- introduction of this tax.)</p> <p>SECTION 66B</p> <p>Proposed section 66B is the new charging section of service tax. This section seeks to levy service tax at the rate of 12% on the value of all services, except services specified in the negative list (in section 66D). These services would be chargeable to tax if these are provided by any person to any person.</p> <p>As per section 65B(37) person includes an individual, a</p>

the precincts of a port or an airport;

(iii) transport of goods or passengers; or

(iv) support services, other than services covered under clauses (i) to (iii) above, provided to business entities;

(b) services by the Reserve Bank of India;

(c) services by a foreign diplomatic mission located in India;

(d) services relating to agriculture by way of—

(i) agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or seed testing;

(ii) supply of farm labour;

(iii) processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;

(iv) renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;

(v) loading, unloading, packing, storage or warehousing of agricultural produce;

(vi) agricultural extension services;

(vii) services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;

(e) trading of goods;

(f) any process amounting to manufacture or production of goods;

(g) selling of space or time slots for advertisements other than advertisements broadcast by radio or television;

(h) service by way of access to a road or a bridge on payment of toll charges;

(i) betting, gambling or lottery;

(j) admission to entertainment events or access to amusement facilities;

(k) transmission or distribution of electricity by an electricity transmission or distribution utility;

(l) services by way of—

(i) pre-school education and education up to higher secondary school or equivalent;

(ii) education as a part of a curriculum for obtaining a qualification recognised by any law for the time being in force;

(iii) education as a part of an approved vocational education

Hindu undivided family, a company, a society, a limited liability partnership, a firm, an association of persons or body of individuals, whether incorporated or not, Government, a local authority, or every artificial juridical person, not falling within any of the preceding sub-clauses.

Definition of word “person” is given in inclusive manner which indicates that service tax would be charged by all categories of persons.

Section 66C

Proposed section 66C seeks to empower the Central Government to make rules which will contain principles on the basis of which taxing jurisdiction of a service can be determined. These rules would be known as Place of Provision of Services Rules, 2012. When these rules come into effect, existing ‘Export of Services Rules, 2005’ and ‘Taxation of Services (Provided from outside india and received in india) Rules, 2006’ will be rescinded.

Section 66D

Proposed section seeks to specify the list of such services which will be outside the ambit of service tax. After reading the complete list we feel that numerous services mentioned in earlier service tax law are imported in this provision also. Besides this list of negative services mentioned in Task Force Report on GST are also imbibed in this new proposed regime.

Gist of non-taxable services

Generally speaking following broad categories of services would be outside the service tax law:

1. Services provided by Govt. of India;
2. Services provided by Local Authority;
3. Services by the Reserve Bank of India;
4. Services by a foreign diplomatic mission located in India;
5. Services relating to agriculture;
6. Trading of goods;

course;

(m) services by way of renting of residential dwelling for use as residence;

(n) services by way of—

(i) extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount;

(ii) inter se sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange or amongst banks and such dealers;

(o) service of transportation of passengers, with or without accompanied belongings, by—

(i) a stage carriage;

(ii) railways in a class other than—

(A) first class; or

(B) an airconditioned coach;

(iii) metro, monorail or tramway;

(iv) inland waterways;

(v) public transport, other than predominantly for tourism purpose, in a vessel of less than fifteen tonne net; and

(vi) metered cabs, radio taxis or auto rickshaws;

(p) services by way of transportation of goods—

(i) by road except the services of—

(A) a goods transportation agency; or

(B) a courier agency;

(ii) by an aircraft or a vessel from a place outside India to the first customs station of landing in India; or

(iii) by inland waterways;

(q) funeral, burial, crematorium or mortuary services including transportation of the deceased.

66E. The following shall constitute declared services, namely:—

(a) renting of immovable property;

(b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration is received after issuance of completion-certificate by the competent authority.

Explanation.— For the purposes of this clause,—

(I) the expression "competent authority" means the Government or any authority authorized to issue completion certificate under any law for the time being in force and in case of nonrequirement of such certificate from such authority, from any of the following, namely:—

7. Manufacturing of goods;
8. Gambling;
9. Transmission or distribution of electricity;
10. Preschool Education, education for obtaining a recognized degree;
11. Renting of residential building for residential purposes;
12. Interest or discount on loans or deposits;
13. Inter se sale or purchase of foreign currency amongst banks or authorized dealers;
14. Public transport of passengers through stage carriage, railways, radio taxis and metro;
15. Transportation of goods by road (except courier agency);

Section 66E

Proposed section 66E seeks to specify declared services which are as under:

1. Renting of immovable properties;
2. Construction of complexes;
3. Use of any intellectual property right;
4. Information technology software services;
5. Agreeing to the obligation to refrain from an act, or to tolerate an act or a situation, or to do an act;
6. Transfer of goods without transfer of right to use such goods;
7. Delivery of goods on hire purchase or any system of payment by instalments;
8. Service portion in the execution of a works contract;
9. Service portion in an activity wherein food or any other article of human consumption is supplied as a part of the activity.

It is generally seen that all these services mentioned above has a portion of service and a portion of goods embedded in them. It is difficult to bifurcate services and goods, thereby abatement was given in earlier law by way of notifications. In this new law, abatements

(A) architect registered with the Council of Architecture constituted under the Architects Act, 1972; or
 (B) chartered engineer registered with the Institution of Engineers (India); or
 (C) licensed surveyor of the respective local body of the city or town or village or development or planning authority;
 (II) the expression "construction" includes additions, alterations, replacements or remodeling of any existing civil structure;
 (c) temporary transfer or permitting the use or enjoyment of any intellectual property right;
 (d) development, design, programming, customisation, adaptation, upgradation, enhancement, implementation of information technology software;
 (e) agreeing to the obligation to refrain from an act, or to tolerate an act or a situation, or to do an act;
 (f) transfer of goods by way of hiring, leasing, licensing or in any such manner without transfer of right to use such goods;
 (g) activities in relation to delivery of goods on hire purchase or any system of payment by instalments;
 (h) service portion in the execution of a works contract;
 (i) service portion in an activity wherein goods, being food or any other article of human consumption or any drink (whether or not intoxicating) is supplied in any manner as a part of the activity.

66F. (1) Unless otherwise specified, reference to a service (herein referred to as main service) shall not include reference to a service which is used for providing main service.

(2) Where a service is capable of differential treatment for any purpose based on its description, the most specific description shall be preferred over a more general description.

(3) Subject to the provisions of sub-section (2), the taxability of a bundled service shall be determined in the following manner, namely:—

(a) if various elements of such service are naturally bundled in the ordinary course of business, it shall be treated as provision of the single service which gives such bundle its essential character;
 (b) if various elements of such service are not naturally bundled in the ordinary course of business, it shall be treated as provision of the single service which results in highest liability of service tax.

Explanation.— For the purposes of sub-section (3), the expression "bundled service" means a bundle of provision of various services wherein an element of provision of one service is combined with an element or elements of provision of any other service or

may again be given in the form of rules to be notified from time to time. However there is no clarity till now on rates of abatement.

Section 66F

Proposed section 66F seeks to provide for principles of interpretation of specified descriptions of services or bundled services.

		services.		
143(G)	Clause (b) of Explanation to Sec 67	Omitted	Date to be notified by Central Government	Section 65B (33) of new scheme defines the meaning of “Money” that is why same has been omitted from the said clause of existing law.
143(H)	67A	67A. The rate of service tax, value of a taxable service and rate of exchange, if any, shall be the rate of service tax or value of a taxable service or rate of exchange, as the case may be, in force or as applicable at the time when the taxable service has been provided or agreed to be provided. Explanation.— For the purposes of this section, "rate of exchange" means the rate of exchange referred to in the Explanation to section 14 of the Customs Act, 1962.	The date on which this Bill receives the assent of the President.	It is proposed to insert new section 67A, which provides that date of determination of rate of tax, value of taxable service and rate of exchange will be the time when taxable services has been provided or agreed to be provided.
143(I)	68 (2)	Notwithstanding anything contained in sub-section (1), in respect of such taxable services as may be notified by the Central Government in the Official Gazette, the service tax thereon shall be paid by such person and in such manner as may be prescribed at the rate specified in section 66 and all the provisions of this chapter shall apply to such person as if he is the person liable for paying the service tax in relation to such service Provided that the Central Government may notify the service and the extent of service tax which shall be payable by such person and the provisions of this Chapter shall apply to such person to the extent so specified and the remaining part of the service tax shall be paid by the service provider.	The date on which this Bill receives the assent of the President.	Section 68(2) of the Finance Act, 1994 is being amended to put the onus of payment of service tax on reverse charge basis partly on service provider and partly on service receiver. The scheme is proposed to be made applicable on three specific services i.e. hiring of means of transport; construction and man power supply. A notification will be issued after the Finance Bill, 2012 receives the assent of the President, in which the manner and extent of service tax payable by service provider and service receiver in the case of the three services will be specified.
143(J)	72A	72A. (1) If the Commissioner of Central Excise, has reasons to believe that any person liable to pay service tax (herein referred to as "such person"),— (i) has failed to declare or determine the value of a taxable service correctly; or (ii) has availed and utilized credit of duty or tax paid- (a) which is not within the normal limits having regard to the nature of taxable service provided, the extent of capital goods used or the type of inputs or input services used, or any other relevant factors as he may deem appropriate; or (b) by means of fraud, collusion, or any willful misstatement or suppression of facts; or (iii) has operations spread out in multiple locations and it is not possible or practicable to obtain a true and complete picture of his	The date on which the bill receives the assent of the President.	Provisions relating to special audit are inserted in the service tax law on the lines of Section 14A and section 14AA of the Central Excise Act, 1944. From now onwards Commissioner of Central Excise can direct any person to get his Accounts audited. This Audit shall be conducted by a Chartered Accountant or a Cost Accountant nominated by him. Report of this Audit shall be submitted to Commissioner himself who will then assess Service Tax payable by the assessee. Commissioner is required to give opportunity of being heard to assessee before utilizing this report for levy of tax, interest or penalty on assessee.

		<p>accounts from the registered premises falling under the jurisdiction of the said Commissioner, he may direct such person to get his accounts audited by a chartered accountant or cost accountant nominated by him, to the extent and for the period as may be specified by the Commissioner.</p> <p>(2) The chartered accountant or cost accountant referred to in sub-section (1) shall, within the period specified by the said Commissioner, submit a report duly signed and certified by him to the said Commissioner mentioning therein such other particulars as may be specified by him.</p> <p>(3) The provisions of sub-section (1) shall have effect notwithstanding that the accounts of such person have been audited under any other law for the time being in force.</p> <p>(4) The person liable to pay tax shall be given an opportunity of being heard in respect of any material gathered on the basis of the audit under sub-section (1) and proposed to be utilized in any proceeding under the provisions of this Chapter or rules made there under.</p> <p><i>Explanation.</i>— For the purposes of this section,—</p> <p>(i) "chartered accountant" shall have the meaning assigned to it in clause (b) of sub-section(1) of section 2 of the Chartered Accountants Act, 1949;</p> <p>(ii) "cost accountant" shall have the meaning assigned to it in clause (b) of sub-section (1) of section 2 of the Cost and Works Accountants Act, 1959.</p>		
143(K)	73	<p>(1) Where any service tax has not been levied or paid or has been short-levied or short-paid or erroneously refunded, the Central Excise Officer may, within eighteen months from the relevant date, serve notice on the person chargeable with the service tax which has not been levied or paid or which has been short-levied or short-paid or the person to whom such tax refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice :</p> <p>Provided that where any service tax has not been levied or paid or has been short-levied or short-paid or erroneously refunded by reason of —</p> <p>(a) fraud; or</p> <p>(b) collusion; or</p> <p>(c) willful misstatement; or</p> <p>(d) suppression of facts; or</p> <p>(e) contravention of any of the provisions of this Chapter or of the rules made there under with intent to evade payment of service</p>	The date on which the bill receives the assent of the President.	<p>Notices for recovery of Service Tax not levied or not paid or short levied or short paid or erroneously refunded can now be issued within a period of 18 months from relevant date, earlier this period was 12 months.</p> <p>If a central excise officer sends a notice to an assessee for any particular grounds, then on the same grounds he may raise only a statement which mentions Service Tax amount for subsequent periods also without giving any grounds for taxation. These statements would be deemed as valid notice.</p>

tax, by the person chargeable with the service tax or his agent, the provisions of this sub-section shall have effect, as if, for the words “eighteen months”, the words “five years” had been substituted.

Explanation. — Where the service of the notice is stayed by an order of a court, the period of such stay shall be excluded in computing the aforesaid period of “eighteen months or five years, as the case may be.

(1A) Where any service tax has not been levied or paid or has been short-levied or short paid or erroneously refunded, by reason of fraud, collusion or any willful misstatement or suppression of facts, or contravention of any of the provisions of this Chapter or the rules made there under, with intent to evade payment of service tax, by such person or his agent, to whom a notice is served under the proviso to sub-section (1) by the Central Excise Officer, such person or agent may pay service tax in full or in part as may be accepted by him, and the interest payable

There on under section 75 and penalty equal to twenty-five per cent. of the service tax specified in the notice or the service tax so accepted by such person within thirty days of the receipt of the notice.

(2) The Central Excise Officer shall, after considering the representation, if any, made by the person on whom notice is served under sub-section (1), determine the amount of service tax due from, or erroneously refunded to, such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

Provided that where such person has paid the service tax in full together with interest and penalty under sub-section (1A), the proceedings in respect of such person and other persons to whom notices are served under sub-section (1) shall be deemed to be concluded:

Provided further that where such person has paid service tax in part along with interest and penalty under sub-section (1A), the Central Excise Officer shall determine the amount of service tax or interest not being in excess of the amount partly due from such person.

(3) 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, chargeable or erroneously refunded, on the basis of his own ascertainment thereof, or on the basis of tax ascertained by a

Central Excise Officer before service of notice on him under sub-section (1) in respect of such service tax, and inform the Central Excise Officer of such payment in writing, who, on receipt of such information shall not serve any notice under sub-section (1) in respect of the amount so paid :

Provided that the Central Excise Officer may determine the amount of short payment of service tax or erroneously refunded service tax, if any, which in his opinion has not been paid by such person and, then, the Central Excise Officer shall proceed to recover such amount in the manner specified in this section, and the period of “EIGHTEEN MONTHS” referred to in sub-section (1) shall be counted from the date of receipt of such information of payment.

Explanation-3(1) For the removal of doubts, it is hereby declared that the interest under section 75 shall be payable on the amount paid by the person under this sub-section and also on the amount of short payment of service tax or erroneously refunded service tax, if any, as may be determined by the Central Excise Officer, but for this sub-section.

(2) For the removal of doubts, it is hereby declared that no penalty under any of the provisions of this Act or the rules made there under shall be imposed in respect of payment of service-tax under this sub-section and interest thereon.

(4) Nothing contained in sub-section (3) shall apply to a case where any service tax has not been levied or paid or has been short-levied or short paid or erroneously refunded by reason of—

- (a) fraud; or
- (b) collusion; or
- (c) willful misstatement; or
- (d) suppression of facts; or
- (e) Contravention of any of the provisions of this Chapter or of the rules made there under with intent to evade payment of service tax.

(4A) Notwithstanding anything contained in sub-sections (4), where during the course of any audit, investigation or verification, it is found that any service tax has not been levied or paid or has been short-levied or short-paid or erroneously refunded, but the true and complete details of transactions are available in the specified records, the person chargeable to service tax or to whom erroneous refund has been made, may pay the service tax in full or in part, as he may accept to be the amount of tax chargeable or erroneously refunded along with interest payable thereon under

		<p>section 75 and penalty equal to one per cent of such tax, for each month, for the period during which the default continues, up to a maximum of twenty five per cent of the tax amount, before service of notice on him and inform the Central Excise Officer of such payment in writing, who, on receipt of such information, shall not serve any notice under sub-section (1) in respect of the amount so paid and proceedings in respect of the said amount of service tax shall be deemed to have been concluded:</p> <p>Provided that the Central Excise Officer may determine the amount of service tax, if any, due from such person, which in his opinion remains to be paid by such person and shall proceed to recover such amount in the manner specified in sub-section (1).</p> <p>Explanation.—For the purposes of this sub-section and section 78, “specified records” means records including computerized data as are required to be maintained by an assessee in accordance with any law for the time being in force or where there is no such requirement, the invoices recorded by the assessee in the books of account shall be considered as the specified records.</p> <p>5) The provisions of sub-section (3) shall not apply to any case where the service tax had become payable or ought to have been paid before the 14th day of May, 2003.</p> <p>(6) For the purposes of this section, “relevant date” means:-</p> <p>(i) in the case of taxable service in respect of which service tax has not been levied or paid or has been short-levied or short-paid —</p> <p>(a) where under the rules made under this Chapter, a periodical return, showing particulars of service tax paid during the period to which the said return relates, is to be filed by an assessee, the date on which such return is so filed;</p> <p>(b) where no periodical return as aforesaid is filed, the last date on which such return is to be filed under the said rules;</p> <p>(c) in any other case, the date on which the service tax is to be paid under this Chapter or the rules made there under;</p> <p>(ii) in a case where the service tax is provisionally assessed under this Chapter or the rules made there under, the date of adjustment of the service tax after the final assessment thereof;</p> <p>(iii) in a case where any sum, relating to service tax, has erroneously been refunded, the date of such refund.</p>		
143(L)	80	Notwithstanding anything contained in the provisions of section 76, Section 77 or section 78, no penalty shall be imposable on the assessee for any failure referred to in said provisions, if the assessee proves that there was reasonable cause for the said	The date on which the bill receives the assent of the	Constitutional validity of the levy of service tax on renting of immovable property has been the subject matter of constant litigation leading to pronouncement of court judgments favorable to revenue, including those

		<p>failure.</p> <p>(2) Notwithstanding anything contained in the provisions of section 76 or section 77 or section 78, no penalty shall be imposable for failure to pay service tax payable, as on the 6th day of March, 2012, on the taxable service referred to in sub-clause (zzzz) of clause (105) of section 65,subject to the condition that the amount of service tax along with interest is paid in full within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President."</p>	President.	<p>of Honorable Delhi High Court and Honorable Supreme Court.</p> <p>In view of these litigations several parties have refrained from depositing service tax on these services. Now Government has decided to waive the penalty for those taxpayers only who pay the service tax due on the renting of immovable property service, in full along with interest.</p> <p>This scheme of penalty waiver will be open only for a period of six months from the date of enactment of the Finance Bill, 2012.</p> <p>No penalty will be imposed, if the amount due on renting of immovable property till 06.03.2012 along with full interest is deposited to Service Tax Department within 6 Months.</p>
143(M)	83	<p>The provisions of the following section of the Central Excise Act, 1944 as in force from time to time, shall apply, so far as may be, in relation to service tax as they apply in relation to a duty of excise: -</p> <p>9C, 9D, 11B, 11BB, 11C,12, 12A, 12B. 12C, 12D, 12E, 14, 15, 31, 32, 32A to 32P (both inclusive), 33A, 34A, 35EE, 35F, 35FF to 35-O (both inclusive), 35Q, 36, 36A, 36B, 37A, 37B, 37C, 37D, 38A and 40.</p>	The date on which the bill receives the assent of the President.	Section 83 is being amended to make Settlement Commission provisions applicable to service tax inline with the similar provisions contained in sections 31, 32, 32A to 32P of the Central Excise Act, 1944.
143(N)	85	<p>(1) Any person aggrieved by any decision or order passed by an adjudicating authority subordinate to the Commissioner of Central Excise may appeal to the Commissioner of Central Excise (Appeals).</p> <p>(2) Every appeal shall be in the prescribed form and shall be verified in the prescribed manner.</p> <p>(3) An appeal shall be presented within three months from the date of receipt of the decision or order of such adjudicating authority relating to service tax, interest or penalty under this Chapter: made before the date on which the Finance Bill, 2012 receives the assent of the President"</p> <p><i>Provided</i> that the Commissioner of Central Excise (Appeals) may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of three months.</p> <p>(ii) after sub-section (3), the following sub-section shall be inserted, namely:—</p>	The date on which the bill receives the assent of the President.	<p>Period of limitation for filing an appeal application to Commissioner of Central excise (Appeals) has been reduced from a period of 3 months to 2 months. However commissioner is given of Central Excise (Appeal) is given further power to admit appeal application even after completion of 2 months if sufficient cause for the same is being given (extended period shall be for 1 month only would be given.)</p>

		<p>"(3A) An appeal shall be presented within two months from the date of receipt of the decision or, order of such adjudicating authority, made on and after the Finance Bill, 2012 receives the assent of the President, relating to service tax, interest or penalty under this Chapter."</p> <p>Provided that the Commissioner of Central Excise (Appeals) may, if he is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of two months, allow it to be presented within a further period of one month.</p> <p>(4) The Commissioner of Central Excise (Appeals) shall hear and determine the appeals and, subject to the provisions of this Chapter, pass such orders as he thinks fit and such orders may include an order enhancing the service tax, interest or penalty : <i>Provided</i> that an order enhancing the service tax, interest or penalty shall not be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.</p> <p>(5) Subject to the provisions of this Chapter, in hearing the appeals and making orders under this section, the [Commissioner] of Central Excise (Appeals) shall exercise the same powers and follow the same procedure as he exercise and follows in hearing the appeals and making orders under the Central Excise Act, 1944 (1 of 1944).</p>		
143(O)	86	<p>(1) Any assessee aggrieved by an order passed by a Commissioner of Central Excise under section 73 or section 83A or an order passed by a Commissioner of Central Excise (Appeals) under section 85, may appeal to the Appellate Tribunal against such order "within three months of the date of receipt of the order"</p> <p>(1A) (i) The Board may, by notification in the Official Gazette, constitute such Committees as may be necessary for the purposes of this Chapter.</p> <p>(ii) Every Committee constituted under clause (i) shall consist of two Chief Commissioners of Central Excise or two Commissioners of Central Excise, as the case may be.</p> <p>(2) The Committee of Chief Commissioners of Central Excise may, if it objects to any order passed by the Commissioner of Central Excise under section 73 or section 83A, direct the Commissioner of Central Excise to appeal to the Appellate Tribunal against the order.</p> <p><i>Provided</i> that where the Committee of Chief Commissioners of Central Excise differs in its opinion against the order of the</p>	The date on which the bill receives the assent of the President.	Committee of Commissioner or Committee of Chief commissioners may direct Central Excise Officer or commissioner of central excise respectively to file an appeal in appellate tribunal within a period of 4 months. This period was 3 months in earlier law. Extended period for 4 months would be applicable only for decisions or orders passed after the date on which Finance Bill, 2012 received the assent of the President.

Commissioner of Central Excise, it shall state the point or points on which it differs and make a reference to the Board which shall, after considering the facts of the order, if is of the opinion that the order passed by the Commissioner of Central Excise is not legal or proper, direct the Commissioner of Central Excise to appeal to the Appellate Tribunal against the order.

(2A) The Committee of Commissioners may, if he objects to any order passed by the Commissioner of Central Excise (Appeals) under section 85, direct any Central Excise Officer to appeal on his behalf to the Appellate Tribunal against the order:

Provided that where the Committee of Commissioners differs in its opinion against the order of the Commissioner of Central Excise (Appeals), it shall state the point or points on which it differs and make a reference to the jurisdictional Chief Commissioner who shall, after considering the facts of the order, if is of the opinion that the order passed by the Commissioner of Central Excise (Appeals) is not legal or proper, direct any Central Excise Officer to appeal to the Appellate Tribunal against the order.

*Explanation:-*For the purposes of this sub-section, "jurisdictional Chief Commissioner" means the Chief Commissioner having jurisdiction over the concerned adjudicating authority in the matter.

(3) Every appeal under sub-section (2) or sub-section (2A) shall be filed within four months from the date on which the order sought to be appealed against is received by the Committee of Chief Commissioners or, as the case may be, the Committee of Commissioners."

(4) The Commissioner of Central Excise or any Central Excise Officer subordinate to him] or the assessee, as the case may be, on receipt of a notice that an appeal against the order of the Commissioner of Central Excise or the Commissioner of Central Excise (Appeals) has been preferred under sub-section (1) or sub-section (2) or sub-section (2A)] by the other party may, notwithstanding that he may not have appealed against such order or any part thereof, within forty-five days of the receipt of the notice, file a memorandum of cross-objections, verified in the prescribed manner, against any part of the order of the Commissioner of Central Excise or the Commissioner of Central Excise (Appeals), and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (3).

(5) The Appellate Tribunal may admit an appeal or permit the filing of a memorandum of cross-objections after the expiry of the relevant period referred to in sub-section (3) or sub-section (4) if it is satisfied that there was sufficient cause for not presenting it within that period.

(6) An appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner and shall, irrespective of the date of demand of service tax and interest or of levy of penalty in relation to which the appeal is made, be accompanied by a fee of, —

a) where the amount of service tax and interest demanded and penalty levied by any Central Excise Officer in the case to which the appeal relates is five lakh rupees or less, one thousand rupees;

b) where the amount of service tax and interest demanded and penalty levied by any Central Excise Officer in the case to which the appeal relates is more than five lakh rupees but not exceeding fifty lakh rupees, five thousand rupees;

c) where the amount of service tax and interest demanded and penalty levied by any Central Excise Officer in the case to which the appeal relates is more than fifty lakh rupees, ten thousand rupees:

Provided that no fee shall be payable in the case of an appeal referred to in sub-section (2) or sub-section (2A) or a memorandum of cross objections referred to in sub-section(4).

(6A) Every application made before the Appellate Tribuna:-

a) in an appeal for grant of stay or for rectification of mistake or for any other purpose; or

b) for restoration of an appeal or an application, shall be accompanied by a fee of five hundred rupees :

Provided that no such fee shall be payable in the case of an application filed by the Commissioner of Central Excise or Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise, as the case may be under this sub-section.

(7) Subject to the provisions of this Chapter, in hearing the appeal and making orders under this section, the Appellate Tribunal shall exercise the same powers and follow the same procedure as it exercise and follows in hearing the appeals and making orders under the Central Excise Act, 1944.

143(P)	88	Notwithstanding anything to the contrary contained in any Central Act or State Act, any amount of tax, penalty, interest, or any other sum payable by an assessee or any other person under this Chapter, shall, save as otherwise provided in section 529A of the Companies Act, 1956 and the Recovery of Debts Due to Banks and the Financial Institutions Act, 1993 and the Securitisation and Reconstruction of Financial Assets and the Enforcement of Security Interest Act, 2002, be the first charge on the property of the assessee or the person as the case may be.	The date on which the bill receives the assent of the President.	For the word "duty", the word "tax" shall be substituted. This is not a major amendment in law.
143(Q)	89	(I) Whoever commits any of the following offences, namely,— (a) Knowingly evades the payment of service tax under this Chapter.	The date on which the bill receives the assent of the President.	Earlier penalty was leviable if services are rendered without issue of an invoice, now penalty would be leviable if assessee knowingly evades payment of Service Tax. The word “knowingly” will create litigation as every assessee will contend that nonpayment of Service Tax was an intentional (unknowingly). This would attract biasness in the workings of Central Excise officer. It is still not clear who will bear the onus of proving that assessee was in good faith or bad faith.
143(R)	93A	Where any goods or services are exported, the Central Government may grant rebate of service tax paid on taxable services which are used as input services for the manufacturing or processing or removal or export of such goods or for providing any taxable services and such rebate shall be subject to such extent and manner as may be prescribed: <i>Provided</i> that where any rebate has been allowed on any goods or services under this section and the sale proceeds in respect or removal or export of such goods or consideration in respect of such services are not received by or on behalf of the exporter in India within the time allowed by the Reserve Bank of India under section 8 of the Foreign Exchange Management Act, 1999 (42 of 1999), such rebates shall be deemed never to have been allowed and the Central Government may recover or adjust the amount of such rebate in such manner as may be prescribed.	The date on which the bill receives the assent of the President.	This section is amended so as to provide that Central Government may grant rebate of service tax paid on taxable services which are used as inputs even after the stage of manufacture, processing or removal.
143(S)	93B(Ne w)	"93B. All rules made under section 94 and applicable to the taxable services shall also be applicable to any other service in so far as they are relevant to the determination of any tax liability, refund, credit of service tax or duties paid on inputs and input services or for carrying out V"	The date on which the bill receives the assent of the President.	This section provides that all the rules made under Section 94 and applicable to taxable services shall also be applicable to services other than taxable services in so far as they are relevant to the determination of any tax liability, refund, credit of service tax or duties paid on inputs and input services or for carrying out the provisions of Chapter V of the Finance Act, 1994.

143(T)	94	<p>(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Chapter.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -</p> <p>(a) collection and recovery of service tax under sections 66 and 68;</p> <p>(aa) the determination of amount and value of taxable service under section 67;</p> <p>(b) the time and manner and the form in which application for registration shall be made under sub-sections (1) and (2) of section 69;</p> <p>(c) the form, manner and frequency of the returns to be furnished under sub-sections (1) and (2) and the late fee for delayed furnishing of return under sub-section (1) of section 70;]</p> <p>(cc) the manner of provisional attachment of property under sub-section (1) of section 73C;</p> <p>(ccc) publication of name of any person and particulars relating to any proceeding under sub-section (1) of section 73D;</p> <p>(d) the form in which appeal under section 85 or under sub-section (6) of section 86 may be filed and the manner in which they may be verified;</p> <p>(e) the manner in which the memorandum of cross objections under sub-section (4) of section 86 may be verified;</p> <p>(eee) the credit of service tax paid on the services consumed or duties paid or deemed to have been paid on goods used for providing a taxable service ;</p> <p>(eeee) the manner of recovery of any amount due to the Central government under section 87</p> <p>(f) provisions for determining export of taxable services;</p> <p>g) grant of exemption to, or rebate of service tax paid on, taxable services which are exported out of India;</p> <p>(h) rebate of service tax paid or payable on the taxable services consumed or duties paid or deemed to have been paid on goods used for providing taxable services which are exported out of India;</p> <p>(hh) rebate of service tax paid or payable on the taxable services used as input services in the manufacturing or processing of goods exported out of India under Section 93A;</p> <p>(hhh) the date for determination of rate of service tax and the</p>	<p>The date on which the bill receives the assent of the President.</p>	<p>Central Government. is now empowered to make rules in relation to:-</p> <ol style="list-style-type: none"> 1)compounding of offences 2) settlement of cases
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		<p>place of "under section 66C"</p> <p>"(i) provide for the amount to be paid for compounding and the manner of compounding of offences;</p> <p>(j) provide for the settlement of cases, in accordance with sections 31, 32 and 32A to 32P (both inclusive), in Chapter V of the Central Excise Act, 1944 as made applicable to service tax vide section 83;</p> <p>(k) any other matter which by this Chapter is to be or may be prescribed.</p>		
143(U)	95I	<p>If any difficulty arises in giving effect to section 143 of the Finance Act, 2012, in so far as it relates to insertion of sections 65B, 66B, 66C, 66D, 66E and section 66F in Chapter V of the Finance Act, 1994, the Central Government may, by order published in the Official Gazette, which is not inconsistent with the provisions of this Chapter, make such provisions, as may be necessary or expedient for the purpose of removing the difficulty from such date, which shall include the power to give retrospective effect from a date not earlier than the date of coming into force of the Finance Act, 2012:</p> <p>"Provided that no such order shall be made after the expiry of a period of two years from the date of coming into force of these provisions.";</p>	The date on which the bill receives the assent of the President.	Central Government is now empowered to issue orders for removal of difficulty in case of applicability of new service tax provisions relating to Negative List. This power can be exercised by central Government up to 2 years from the date of enactment of the Finance Bill, 2012.
143(V)	96C	<p>(1) An applicant desirous of obtaining an advance ruling under this Chapter may make an application in such form and in such manner as may be prescribed, stating the question on which the advance ruling is sought.</p> <p>(2)The question on which the advance ruling is sought shall be in respect of,-</p> <p>(a) classification of any service as a taxable service under Chapter V;</p> <p>(b) the valuation of taxable services for charging service tax;</p> <p>(c) the principal to be adopted for the purposes of determination of value of the taxable service under the provisions of Chapter V;</p> <p>(d) applicability of notifications issued under Chapter V;</p> <p>(e) admissibility of credit of duty or tax in terms of the rules made in this regard</p> <p>(f) Determination of the liability to pay service tax on a taxable service under the provisions of Chapter V</p> <p>(3) The application shall be made in quadruplicate and be accompanied by a fee of two thousand five hundred rupees.</p> <p>(4) An applicant may withdraw an application within thirty days from the date of the application.</p>	The date on which the bill receives the assent of the President.	Earlier application for advance ruling could be made in case of admissibility of Service Tax Credit. However now this admissibility of credit would be subject to rules which are prescribed here under. These rules are not formed till now & would be prescribed after Finance Bill, 2012 becomes law.

143(W)	97 (New) & 98 (New)	<p>97. (1) Notwithstanding anything contained in section 66, no service tax shall be levied or collected in respect of management, maintenance or repair of roads, during the period on and from the 16th day of June, 2005 to the 26th day of July, 2009 (both days inclusive).</p> <p>(2) Refund shall be made of all such service tax which has been collected but which would not have been so collected had subsection (1) been in force at all material times.</p> <p>(3) Notwithstanding anything contained in this Chapter, an application for the claim of refund of service tax shall be made within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President.</p> <p>98. (1) Notwithstanding anything contained in section 66, no service tax shall be levied or collected in respect of management, maintenance or repair of non-commercial Government buildings, during the period on and from the 16th day of June, 2005 till the date on which section 66B comes into force.</p> <p>(2) Refund shall be made of all such service tax which has been collected but which would not have been so collected had subsection (1) been in force at all material times.</p> <p>(3) Notwithstanding anything contained in this Chapter, an application for the claim of refund of service tax shall be made within a period of six months from the date on which the Finance Bill, 2012 receives the assent of the President."</p>	The date on which the bill receives the assent of the President.	These new sections are being inserted to extend service tax exemption retrospectively for repair of roads and non-commercial Government buildings for the period specified in the respective sections.
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