

CORPORATE OFFICE, TAXATION SECTION  
1<sup>ST</sup> FLOOR, BHARAT SANCHAR BHAWAN,  
JANPATH, NEW DELHI-110001



BHARAT SANCHAR NIGAM LIMITED  
[A Government of India Enterprise]

No.1002-15/2011-12/Taxation/BSNL/ 30/

Dated: 17/08/2012

To

The Chief General Managers

1. All Telecom Circles/ Metro Telephone Districts/Maintenance Regions/ Project Circles
2. Task Force/ Data Network/ NCES/QA/ T&D/ Telecom Stores/ Telecom Factories/ CPAO (ITI Bills)/ IT Circle, Pune
3. ALTTC/BRBRAIT/NATFM

**Sub.: Notification regarding extent of Service Tax payable on specified taxable services by the person (i) who receives the service and (ii) who provides the service –w.e.f. 01/07/2012-reg.**

Ref.: Department of Revenue, MOF, Government of India Notification No. 30/2012-Service Tax dated 20/06/2012.

Kindly find enclosed herewith the notification cited above under reference, whereby Department of Revenue, Ministry of Finance, Government of India has issued notification specifying certain taxable services and for which the liability of payment of Service Tax and the extent of Service Tax payable thereon lies with the person who receives the service and also the person who provides the service.

Abovementioned notification provides list of services on which liability of payment of Service Tax has been categorized in two categories as mentioned above:

1. 100% by Service Receiver
2. Fixed percentage by Service Receiver and Service Provider respectively.

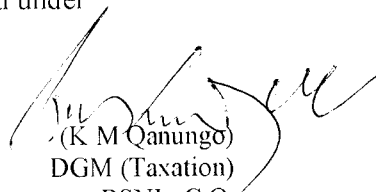
Accordingly, Circles/SSAs/Units of BSNL need to comply with statutory compliance like registration, filing of returns, availing of Cenvat Credit and payment of Service Tax etc.

The said notification has been issued in supersession of the Notifications No. 15/2012-ST dated 17/03/2012 and Notification No. 36/2004-ST dated 31/12/2004 of the Department of Revenue, Ministry of Finance, Government of India.

It is requested to kindly go through the above mentioned notifications and contents of the same may be brought to the notice of all concerned for taking necessary action.

This issues with the approval of competent authority.

Encl. Referred Notifications may be downloaded from BSNL's Intranet Portal under Director (Finance)- EF & Taxation.

  
(K M Qanungo)  
DGM (Taxation)  
BSNL C.O.

Copy for information & necessary action to:-

1. IFAs of above mentioned Circles of BSNL.
2. All PGMs/Sr.GMs/GMs of Finance wing of BSNL Corporate office.
3. GM(CA), BSNL CO, New Delhi-1

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 30/2012-Service Tax**

New Delhi, the 20<sup>th</sup> June, 2012

GSR No. 15/2012 (E) In exercise of the powers conferred by sub-section (2) of section 68 of the Finance Act, 1994 (32 of 1994), and in supersession of (i) notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 15/2012-Service Tax, dated the 17<sup>th</sup> March, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R 213(E), dated the 17<sup>th</sup> March, 2012, and (ii) notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2004-Service Tax, dated the 31<sup>st</sup> December, 2004, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R 349 (E), dated the 31<sup>st</sup> December, 2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the following taxable services and the extent of service tax payable thereon by the person liable to pay service tax for the purposes of the said sub-section, namely:—

**I. The taxable services,—**

- (A) (i) provided or agreed to be provided by an insurance agent to any person carrying on the insurance business;
- (ii) provided or agreed to be provided by a goods transport agency in respect of transportation of goods by road, where the person liable to pay freight is,—
- any factory registered under or governed by the Factories Act, 1948 (63 of 1948);
  - any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India;
  - any co-operative society established by or under any law;
  - any dealer of excisable goods, who is registered under the Central Excise Act, 1944 (1 of 1944) or the rules made thereunder;
  - any body corporate established, by or under any law; or
  - any partnership firm whether registered or not under any law including association of persons;
- (iii) provided or agreed to be provided by way of sponsorship to anybody corporate or partnership firm located in the taxable territory;
- (iv) provided or agreed to be provided by,—

(A) an arbitral tribunal, or

(B) an individual advocate or a firm of advocates by way of support services, or

(C) Government or local authority by way of support services excluding,-

(1) renting of immovable property, and

(2) services specified in sub-clauses (i), (ii) and (iii) of clause (a) of section 66D of the Finance Act, 1994,

to any business entity located in the taxable territory,

(v) provided or agreed to be provided by way of renting of a motor vehicle designed to carry passengers to any person who is not in the similar line of business or supply of manpower for any purpose or service portion in execution of works contract by any individual, Hindu Undivided Family or partnership firm, whether registered or not, including association of persons, located in the taxable territory to a business entity registered as body corporate, located in the taxable territory;

(B) provided or agreed to be provided by any person which is located in a non-taxable territory and received by any person located in the taxable territory;

(II) The extent of service tax payable thereon by the person who provides the service and the person who receives the service for the taxable services specified in (I) shall be as specified in the following Table, namely:-

Table

Sl.No.	Description of a service	Percentage of service tax payable by the person providing service	Percentage of service tax payable by the person receiving the service
1	in respect of services provided or agreed to be provided by an insurance agent to any person carrying on insurance business	Nil	100%
2	in respect of services provided or agreed to be provided by a goods transport agency in respect of transportation of goods by road	Nil	100%
3	in respect of services provided or agreed to be provided by way of sponsorship	Nil	100%
4	in respect of services provided or agreed to be provided by an arbitral tribunal	Nil	100%
5	in respect of services provided or agreed to	Nil	100%

	be provided by individual advocate or a firm of advocates by way of legal services		
6	in respect of services provided or agreed to be provided by Government or local authority by way of support services excluding,- (1) renting of immovable property, and (2) services specified in sub-clauses (i), (ii) and (iii) of clause (a) of section 66D of the Finance Act, 1994	Nil	100%
7	(a) in respect of services provided or agreed to be provided by way of renting of a motor vehicle designed to carry passengers on abated value to any person who is not engaged in the similar line of business  (b) in respect of services provided or agreed to be provided by way of renting of a motor vehicle designed to carry passengers on non abated value to any person who is not engaged in the similar line of business	Nil  60%	100 %  40%
8	in respect of services provided or agreed to be provided by way of supply of manpower for any purpose	25%	75 %
9	in respect of services provided or agreed to be provided in service portion in execution of works contract	50%	50%
10	in respect of any taxable services provided or agreed to be provided by any person who is located in a non-taxable territory and received by any person located in the taxable territory	Nil	100%

**Explanation-I.** - The person who pays or is liable to pay freight for the transportation of goods by road in goods carriage, located in the taxable territory shall be treated as the person who receives the service for the purpose of this notification.

**Explanation-II.** - In works contract services, where both service provider and service recipient is the persons liable to pay tax, the service recipient has the option of choosing the valuation method as per choice, independent of valuation method adopted by the provider of service.

2. This notification shall come into force on the 1<sup>st</sup> day of July, 2012.

[F.No. 334/1/2012- Tk

(Raj Kumar Digvijay)  
Under Secretary to the Government of India

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India  
Ministry of Finance  
(Department of Revenue)

New Delhi, the 17<sup>th</sup> March 2012

**Notification No.15/2012-Service Tax**

GSR. (E).—In exercise of the powers conferred by sub-section (2) of section 68 of the Finance Act, 1994 (32 of 1994), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2004-Service Tax, dated the 31<sup>st</sup> December, 2004, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R 849 (E), dated the 31<sup>st</sup> December, 2004, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the following taxable services and the extent of service tax payable thereon by the person liable to pay service tax for the purposes of the said sub-section, namely:—

**I. The taxable services,—**

- (A) (i) provided or agreed to be provided by an insurance agent to any person carrying on the insurance business;
- (ii) provided or agreed to be provided by a goods transport agency in respect of transportation of goods by road, where the consignor or the consignee is,—
- (a) any factory registered under or governed by the Factories Act, 1948 (63 of 1948);
  - (b) any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India;
  - (c) any co-operative society established by or under any law;
  - (d) any dealer of excisable goods, who is registered under the Central Excise Act, 1944 (1 of 1944) or the rules made thereunder;
  - (e) any body corporate established, by or under any law; or
  - (f) any partnership firm whether registered or not under any law including association of persons;
- (iii) provided or agreed to be provided by way of sponsorship, to anybody corporate or partnership firm located in the taxable territory;
- (iv) provided or agreed to be provided by an arbitral tribunal or an individual advocate or the support service provided or agreed to be provided by Government or local authority, to any business entity located in the taxable territory;
- (v) provided or agreed to be provided by way of renting or hiring any motor vehicle designed to carry passenger or supply of manpower for any purpose or works contract by any individual, Hindu Undivided Family or proprietary firm or partnership firm, whether registered or not, including association of persons; located in the taxable territory to any company formed or registered under the Companies Act, 1956 (1 of 1956) or a business entity registered as body corporate located in the taxable territory;

(B) in relation to any taxable service provided or agreed to be provided by any person who is located in a non-taxable territory and received by any person located in the taxable territory;

(II) the extent of service tax payable by the person who receives the service and the person who provides the service for the taxable services specified in (I) shall be as specified in the following Table, namely:-

Table

Sl No	Description of a service	Percentage of service tax payable by the person providing service	Percentage of service tax payable by the person receiving the service
1	in respect of services provided or agreed to be provided by an insurance agent to any person carrying on insurance business	Nil	100%
2	in respect of services provided or agreed to be provided by a goods transport agency in respect of transportation of goods by road	Nil	100%
3	in respect of services provided or agreed to be provided by way of sponsorship	Nil	100%
4	in respect of services provided or agreed to be provided by an arbitral tribunal	Nil	100%
5	in respect of services provided or agreed to be provided by individual advocate	Nil	100%
6	in respect of services provided or agreed to be provided by way of support service by Government or local authority	Nil	100%
7	a) in respect of services provided or agreed to be provided by way of renting or hiring any motor vehicle designed to carry passenger on abated value b) in respect of services provided or agreed to be provided by way of renting or hiring any motor vehicle designed to carry passenger on non abated value.	Nil 60%	100 % 40%
8.	in respect of services provided or agreed to be provided by way of supply of manpower for any purpose	25%	75 %
9.	in respect of services provided or agreed to be provided by way of works contract	50%	50%
10	in respect of any taxable services provided or agreed to be provided by any person who is located in a non-taxable territory and received by any person located in the taxable territory	Nil	100%

2. Person who pays or is liable to pay freight either himself or through his agent for the transportation of goods by road in goods carriage, located in the taxable territory shall be treated as the person who receives the service for the purpose of this notification.

3. This notification shall come into force from the date on which section 66B of the Finance Act, 1994 comes into effect.

[F.No. 334/1/2012- TRU]

(Samar Nanda)

Under Secretary to the Government of India

31st December, 2004

**Notification No. 36 /2004-Service Tax**

In exercise of the powers conferred by sub-section (2) of section 68 of the Finance Act, 1994 (32 of 1994), the Central Government hereby notifies the following taxable services for the purposes of the said sub-section, namely:-

- (A) the services,-
- (i) in relation to a telephone connection or pager or a communication through telegraph or telex or a fac communication or a leased circuit;
  - (ii) in relation to general insurance business;
  - (iii) in relation to insurance auxiliary service by an insurance agent; and
  - (iv) in relation to transport of goods by road in a goods carriage, where the consignor or consignee of goods is-
    - (a) any factory registered under or governed by the Factories Act, 1948 (63 of 1948);
    - (b) any company established by or under the Companies Act, 1956 (1 of 1956);
    - (c) any corporation established by or under any law;
    - (d) any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any law corresponding to that Act in force in any part of India;
    - (e) any co-operative society established by or under any law;
    - (f) any dealer of excisable goods, who is registered under the Central Excise Act, 1944 (1 of 1944) or the rules thereunder; or
    - (g) any body corporate established, or a partnership firm registered, by or under any law;
- (B) any taxable service provided by a person who is a non-resident or is from outside India, does not have any permanent establishment in India.

2. This notification shall come into force on the first day of January, 2005.

F. No. 341/18/2004-TRU (Pt.

V. Sivasubramanian  
Deputy Secretary to the Government of India