

Changes in Service Tax on Inbound Cargo Services

Recently Government of India has withdrawn the exemption granted to transportation of goods through vessel upto custom station of clearance in India (**Inbound Cargo transportation or Import Cargo services**) and made the captioned service taxable and the onus of tax payment has been cast on to the person who is completing custom formalities for clearance of goods i.e. the service receiver under reverse charge. We have analyzed the relevant provisions including CBEC clarifications issued on the subject.



- As per the charging Section 66B of the Finance Act, 1994, service tax is leviable on services provided or agreed to be provided in the taxable territory. Place of provision of services is determined as per Section 66C of the Finance Act, 1994 and the Place of Provision of Services Rules, 2012 made thereunder.
- Inbound cargo transportation services are covered under rule 10 of the Place of Provision of Services Rules, 2012 and the place of provision of such services is the destination of the goods and thus they are taxable in India. However, they were exempted from Service Tax vide Entry Number 34 of Notification 25/2012 (Mega Exemption Notification).
- With the release of Notification No. 01/2017 dated 12.01.2017, amendment has been made stating that the exemption under Entry Number 34 would not be applicable to: "Services by way of Transportation of goods by a vessel from a place outside India up to the customs station of clearance in India" (i.e. inbound cargo transportation or Import cargo). This notification has been made effective from 22nd January, 2017.
- Further, notification No. 30/2012-Service Tax has been amended to provide that service tax would be payable under reverse charge basis by the person in India who complies with sections 29, 30 or 38 read with section 148 of the Customs Act, 1962 (52 of 1962) with respect to such goods. It implies the person liable to pay service tax would be the person who is responsible for the entering of the vessel at the customs port and delivery of import manifest to the Proper Officer.

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Table of Contents Notification No 022012 Dated 17032012 Of Service Tax

1. Understanding the eBook Notification No 022012 Dated 17032012 Of Service Tax
 - The Rise of Digital Reading Notification No 022012 Dated 17032012 Of Service Tax
 - Advantages of eBooks Over Traditional Books
2. Identifying Notification No 022012 Dated 17032012 Of Service Tax
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Notification No 022012 Dated 17032012 Of Service Tax
 - User-Friendly Interface

4. Exploring eBook Recommendations from Notification No 022012 Dated 17032012 Of Service Tax
 - Personalized Recommendations
 - Notification No 022012 Dated 17032012 Of Service Tax User Reviews and Ratings
 - Notification No 022012 Dated 17032012 Of Service Tax and Bestseller Lists
5. Accessing Notification No 022012 Dated 17032012 Of Service Tax Free and Paid eBooks
 - Notification No 022012 Dated 17032012 Of Service Tax Public Domain eBooks
 - Notification No 022012 Dated 17032012 Of Service Tax eBook Subscription Services
 - Notification No 022012 Dated 17032012 Of Service Tax Budget-Friendly Options
6. Navigating Notification No 022012 Dated 17032012 Of Service Tax eBook Formats
 - ePub, PDF, MOBI, and More
 - Notification No 022012 Dated 17032012 Of Service Tax Compatibility with Devices
 - Notification No 022012 Dated 17032012 Of Service Tax Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Notification No 022012 Dated 17032012 Of Service Tax
 - Highlighting and Note-Taking Notification No 022012 Dated 17032012 Of Service Tax
 - Interactive Elements Notification No 022012 Dated 17032012 Of Service Tax
8. Staying Engaged with Notification No 022012 Dated 17032012 Of Service Tax
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Notification No 022012 Dated 17032012 Of Service Tax
9. Balancing eBooks and Physical Books Notification No 022012 Dated 17032012 Of Service Tax
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Notification No 022012 Dated 17032012 Of Service Tax
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Notification No 022012 Dated 17032012 Of Service Tax
 - Setting Reading Goals Notification No 022012 Dated 17032012 Of Service Tax
 - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Notification No 022012 Dated 17032012 Of Service Tax
 - Fact-Checking eBook Content of Notification No 022012 Dated 17032012 Of Service Tax
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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