

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Recently Government of India has withdrawn the exemption granted to transportation of goods through vessel upto custom station of clearance in India (**Inbound Cargo transportation or Import Cargo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.

Taxable Value Charging Service Tax

Xiaolong Qi



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Table of Contents Taxable Value Charging Service Tax

1. Understanding the eBook Taxable Value Charging Service Tax
 - The Rise of Digital Reading Taxable Value Charging Service Tax
 - Advantages of eBooks Over Traditional Books
2. Identifying Taxable Value Charging 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 Taxable Value Charging Service Tax
 - User-Friendly Interface
4. Exploring eBook Recommendations from Taxable Value Charging Service Tax
 - Personalized Recommendations
 - Taxable Value Charging Service Tax User Reviews and Ratings
 - Taxable Value Charging Service Tax and Bestseller Lists

5. Accessing Taxable Value Charging Service Tax Free and Paid eBooks
 - Taxable Value Charging Service Tax Public Domain eBooks
 - Taxable Value Charging Service Tax eBook Subscription Services
 - Taxable Value Charging Service Tax Budget-Friendly Options
6. Navigating Taxable Value Charging Service Tax eBook Formats
 - ePub, PDF, MOBI, and More
 - Taxable Value Charging Service Tax Compatibility with Devices
 - Taxable Value Charging Service Tax Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Taxable Value Charging Service Tax
 - Highlighting and Note-Taking Taxable Value Charging Service Tax
 - Interactive Elements Taxable Value Charging Service Tax
8. Staying Engaged with Taxable Value Charging Service Tax
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Taxable Value Charging Service Tax
9. Balancing eBooks and Physical Books Taxable Value Charging Service Tax
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Taxable Value Charging Service Tax
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Taxable Value Charging Service Tax
 - Setting Reading Goals Taxable Value Charging Service Tax
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Taxable Value Charging Service Tax
 - Fact-Checking eBook Content of Taxable Value Charging 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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