

OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE
NO.1 WILLIAMS ROAD, CANTONMENT, TRICHIRAPPALLI-620 001.

Trade Notice No.13/2004 S Tax

Dated : 13-9-2004.

Subject: Service Tax- Notification Nos. 11/2004 to 25/2004 -Issues
pertaining to Service Tax –Regarding.

Ministry's Service Tax Notification No. 11/2004 issued under F.No. B2/3/2004-TRU and Notification Nos. 12/2004 to 25/2004 issued under F.No. B2/8/2004 all dtd 10-9-2004 regarding issues pertaining to Service Tax amendment & exemption are enclosed herewith for information, guidance and necessary action.

The contents of this Trade Notice may be brought to the knowledge of all constituent members of the Trade Associations and Chamber of Commerce.

(Issued from C.No.IV/16/902/2004 S.Tax)

Sd/-
(D.P. NAIDU)
JOINT COMMISSIONER (T).

To
The Mailing list I / II / III

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue)

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 11/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1), read with sub-section (2) of section 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Service Tax Rules, 1994, except as respects things done or omitted to be done before such amendment, namely :-

1. (1) These rules may be called the Service Tax (Second Amendment) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Service Tax Rules, 1994,-

(I) in rule 2, in sub-rule (1), after clause (cc), the following clause shall be inserted, namely,-

"(ccc) 'input service distributor' has the meaning assigned to it in clause (m) of rule (2) of the CENVAT Credit Rules, 2004;" ;

(II) after rule (4), the following rule shall be inserted, namely,-

"4A. Taxable service to be provided or credit to be distributed on invoice, bill or challan.- (1) Every person providing taxable service shall issue an invoice, a bill or, as the case may be, a challan signed by such person or a person authorized by him in respect of taxable service provided or to be provided and such invoice, bill or, as the case may be, challan shall be serially numbered and shall contain the following, namely:-

(i) the name, address and the registration number of such person;

(ii) the name and address of the person receiving taxable service;

(iii) description, classification and value of taxable service provided or to be provided; and

(iv) the service tax payable thereon.

(2) Every input service distributor distributing credit of taxable services shall, in respect of credit distributed, issue an invoice, a bill or, as the case may be, a challan signed by such person or a person authorized by him, for each of the recipient of the credit distributed, and such invoice, bill or, as the case may be, challan shall be serially numbered and shall contain the following, namely:-

(i) the name, address and registration number of the person providing input services and the serial number and date of invoice, bill, or as the case may be, challan issued under sub-rule (1);

(ii) the name, address and the registration number of the said input service distributor;

(iii) the name and address of the recipient of the credit distributed;

(iv) the amount of the credit distributed.";

(III) in rule 6 of the said rules,-

(i) in sub-rule (7), for the words "at the rate of eight per cent. of the value of taxable service rendered by him" the words, figures and letters "at the rate specified in section 66 of Chapter V of the Act" shall be substituted;

(ii) after sub-rule (7), the following sub-rule shall be inserted, namely,-

"(7A) An insurer carrying on life insurance business liable for paying the service tax in relation to the risk cover in life insurance provided to a policy holder shall have the option to pay an amount calculated at the rate of one per cent. of the gross amount of premium charged by such insurer towards the discharge of his service tax liability instead of paying service tax at the rate specified in section 66 of Chapter V of the Act:

Provided that such option shall not be available in cases where-

(a) the entire premium paid by the policy holder is only towards risk cover in life insurance;
or

(b) the part of the premium payable towards risk cover in life insurance is shown separately in any of the documents issued by the insurer to the policy holder."

[F. No. B2/3/2004-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

Note.- The principal rules were notified vide notification no. 2/94-Service Tax dated the 28th June 1994 and published in the Gazette of India, Extraordinary vide number G.S.R.546 (E), dated the 28th June 1994 and were last amended vide notification No. 5/2004-Service Tax, dated the 9th July, 2004 [G.S.R. 431 (E), dated the 9th July, 2004].

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 12/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby directs that the following notifications of the Government of India in the Ministry of Finance (Department of Revenue) as specified in column (2) of the Table below, shall be amended or further amended, as the case may be, in the manner specified in the corresponding entry in column (3) of the said Table, namely:-

Table

S.No.	Notification number and date	Amendments
(1)	(2)	(3)
1.	21/97-Service Tax, dated the 26 th June, 1997[G.S.R. 347 (E), dated the 26 th June, 1997]	In the said notification, for the proviso, following proviso shall be substituted, namely:- "Provided that the said exemption shall apply in such cases

		<p>where –</p> <p>(a) such mandap keeper also provides catering services, that is, supply of food and the invoice, bill or challan issued for this purpose indicates that it is inclusive of charges for catering service; and</p> <p>(b) no credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; and</p> <p>(c) such mandap keeper has not availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003].".</p>
2.	<p>39/97-Service Tax, dated the 22nd August, 1997</p> <p>[G.S.R. 481 (E), dated the 22nd August, 1997]</p>	<p>In the said notification, in the opening paragraph, the following proviso shall be inserted at the end, namely:-</p> <p>"Provided that the said exemption shall not apply in such cases where –</p> <p>(i) the credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or</p> <p>(ii) such tour operator has availed the benefit under the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003].".</p>
3.	<p>40/97-Service tax, dated the 22nd August, 1997</p> <p>[G.S.R. 482 (E), dated the 22nd August, 1997]</p>	<p>In the said notification, for the proviso, following proviso shall be substituted, namely:-</p> <p>"Provided that the said exemption shall not apply in such cases where–</p> <p>(a) the invoice, bill or challan issued by the tour operator to the client only includes the service charges for arranging or booking accommodation for any person in relation to a tour and does not include the cost of such accommodation; or</p> <p>(b) credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or</p> <p>(c) such tour operator has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003].".</p>

4.	12/2001-Service Tax, dated the 20 th December, 2001 [G.S.R. 907 (E), dated the 20 th December, 2001]	In the said notification, in the opening paragraph, the following proviso shall be inserted at the end, namely:- "Provided that the said exemption shall not apply in such cases where— (i) credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or (ii) such hotel providing service as mandap keeper has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003]."
5.	8/2003-Service Tax, dated the 20 th June, 2003 [G.S.R. 499 (E), dated the 20 th June, 2003]	In the said notification, in the <i>Explanation</i> , for clause (i), the following clause shall be substituted, namely:- ' (i) "call centre" means a commercial concern which,- (a) provides assistance, help or information; or (b) contacts customer including prospective customer, for the purposes of sales, telemarketing, payments through telephone, leased lines, satellite links, mail, fax, web chat and use of information system for monitoring and recording information on behalf of another person;'
6.	12/2003-Service Tax, dated the 20 th June, 2003 [G.S.R. 503 (E), dated the 20 th June, 2003]	In the said notification, in the opening paragraph, the following proviso shall be inserted at the end, namely:- "Provided that the said exemption shall apply only in such cases where- (a) no credit of duty paid on such goods and materials sold, has been taken under the provisions of the Cenvat Credit Rules, 2004; or (b) where such credit has been taken by the service provider on such goods and materials, such service provider has paid the amount equal to such credit availed before the sale of such goods and materials."
7.	18/2003-Service Tax, dated the 21 st August, 2003 [G.S.R. 676 (E), dated the 21 st August, 2003]	In the said notification, for the words "in relation to commissioning or installation", the words "in relation to erection, commissioning or installation" shall be substituted.

8.	19/2003-Service Tax, dated the 21 st August, 2003 [G.S.R. 677(E), dated the 21 st August, 2003]	<p>In the said notification,-</p> <p>(i) for the words "commissioning or installation", wherever they occur, the words "erection, commissioning or installation" shall be substituted;</p> <p>(ii) after condition (ii), the following condition shall be inserted, namely:-</p> <p>" (iii) the benefit under this notification shall be allowed only if no credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004."</p>
9.	2/2004-Service Tax, dated the 5 th February, 2004 [G.S.R. 101 (E), dated the 5 th February, 2004]	<p>In the said notification, in the opening paragraph, following proviso shall be inserted at the end, namely:-</p> <p>"Provided that the said exemption shall not apply in such cases where—</p> <p>(i) credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or</p> <p>(ii) such tour operator has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003]."</p>
10.	9/2004-Service Tax, dated the 9 th July, 2004 [G.S.R. 435 (E), dated the 9 th July, 2004]	<p>In the said notification, the following proviso shall be inserted, at the end, namely:-</p> <p>"Provided that the said exemption shall not apply in such cases where—</p> <p>(i) credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or</p> <p>(ii) such rent-a-cab scheme operator has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003]."</p>
11.	10/2004-Service Tax, dated the 9 th July, 2004 [G.S.R. 436 (E), dated the 9 th July, 2004]	<p>In the said notification, in the opening paragraph, the following proviso shall be inserted at the end, namely:-</p> <p>"Provided that the said exemption shall not apply in such cases where –</p> <p>(i) the credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or</p>

		(ii) such commercial concern has availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003]."
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[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)

Deputy Secretary to the Government of India

Note:

- (1) The principal notification 21/97-Service Tax, dated the 26th June, 1997 was published in the Gazette of India, Extraordinary, dated the 26th June, 1997, *vide* number G.S.R. 347 (E) dated the 26th June, 1997;
- (2) The principal notification 39/97-Service Tax, dated the 22nd August, 1997 was published in the Gazette of India, Extraordinary, dated the 22nd August, 1997, *vide* number G.S.R. 481 (E) dated the 22nd August, 1997;
- (3) The principal notification 40/97-Service Tax, dated the 22nd August, 1997 was published in the Gazette of India, Extraordinary, dated the 22nd August, 1997, *vide* number G.S.R. 482 (E) dated the 22nd August, 1997;
- (4) The principal notification 12/2001-Service Tax, dated the 20th December, 2001 was published in the Gazette of India, Extraordinary, dated the 20th December, 2001, *vide* number G.S.R. 907 (E) dated the 20th December, 2001 and was last amended *vide* notification No. 8/2004-Service Tax, dated the 9th July, 2004 [G.S.R. 434 (E) dated the 9th July, 2004];
- (5) The principal notification 8/2003-Service Tax, dated the 20th June, 2003 was published in the Gazette of India, Extraordinary, dated the 20th June, 2003, *vide* number G.S.R. 499 (E) dated the 20th June, 2003;
- (6) The principal notification 12/2003-Service Tax, dated the 20th June, 2003 was published in the Gazette of India, Extraordinary, dated the 20th June, 2003, *vide* number G.S.R. 503 (E) dated the 20th June, 2003;
- (7) The principal notification 18/2003-Service Tax, dated the 21st August, 2003 was published in the Gazette of India, Extraordinary, dated the 21st August, 2003, *vide* number G.S.R. 676 (E) dated the 21st August, 2003;
- (8) The principal notification 19/2003-Service Tax, dated the 21st August, 2003 was published in the Gazette of India, Extraordinary, dated the 21st August, 2003, *vide* number G.S.R. 677 (E) dated the 21st August, 2003;
- (9) The principal notification 2/2004-Service Tax, dated the 5th February, 2004 was published in the Gazette of India, Extraordinary, dated the 5th February, 2004, *vide* number G.S.R. 101 (E) dated the 5th February, 2004 and was last amended *vide* notification No. 8/2004-Service Tax, dated the 9th July, 2004 [G.S.R. 434 (E) dated the 9th July, 2004];

(10) The principal notification 9/2004-Service Tax, dated the dated the 9th July, 2004 was published in the Gazette of India, Extraordinary, dated the 9th July, 2004, *vide* number G.S.R. 435 (E) dated the 9th July, 2004;

(11) The principal notification 10/2004-Service Tax, dated the dated the 9th July, 2004 was published in the Gazette of India, Extraordinary, dated the 9th July, 2004, *vide* number G.S.R. 436 (E) dated the 9th July, 2004.

19 BHADRAPADA, 1926 (SAKA)

Government of India , Ministry of Finance

(Department of Revenue)

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No.13/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service provided by a banking company or a financial institution including a non-banking financial company, or any other body corporate or commercial concern, to the Government of India or the Government of a State in relation to collection of any duties or taxes levied by the Government of India or the Government of a State from the whole of the service tax leviable thereon under section 66 of the said Act.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)

Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India

Ministry of Finance

(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 14/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts taxable service provided to a client by a commercial concern in relation to the business auxiliary service, in so far as it relates to,-

- (a) procurement of goods or services, which are inputs for the client;
- (b) production of goods on behalf of the client;
- (c) provision of service on behalf of the client; or
- (d) a service incidental or auxiliary to any activity specified in (a) to (c) above,

from the whole of the service tax leviable thereon under section 66 of the said Finance Act:

Provided that nothing in this notification shall apply to,-

- (i) a factory registered under or governed by the Factories Act, 1948 (63 of 1948);
- (ii) a company established by or under the Companies Act, 1956 (1 of 1956);
- (iii) a partnership firm, whether registered or not registered;
- (iv) a 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;
- (v) a co-operative society established by or under any law;
- (vi) a corporation established by or under any law; or
- (vii) a body corporate established by or under any law,

unless such factory, company, partnership firm, society, co-operative society, corporation or body corporate, as the case may be, provides any business auxiliary service in respect of any activity specified in (a) to (d) above in relation to agriculture, printing, textile processing or education.

[F. No. B2/8/2004-TRU]
(V. Sivasubramanian)

Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 15/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service provided by a commercial concern to any person, in relation to construction service, from so much of the service tax leviable thereon under section 66 of the said Act, as is in excess of the service tax calculated on a value which is equivalent to thirty-three per cent. of the gross amount charged from any person by such commercial concern for providing the said taxable service:

Provided that this exemption shall not apply in such cases where –

- (i) the credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; or

(ii) the commercial concern has availed the benefit under the notification of the Government of India, in the Ministry of Finance, (Department of Revenue) No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003].

[F. No. B2/8/2004-TRU]
(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)
Government of India
Ministry of Finance
(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 16/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service provided to a client in respect of Enterprise Resource Planning software system by a management consultant in connection with the management of any organization in any manner, from the whole of service tax leviable thereon under section 66 of the said Act.

[F. No. B2/8/2004-TRU]
(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)
Government of India
Ministry of Finance
(Department of Revenue) ***
New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 17/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service provided by the holder of intellectual property right to any person, in relation to intellectual property service, from so much of the service tax leviable thereon under section 66 of the said Act, as is equivalent to the amount of cess paid towards the import of technology under the provisions of section 3 of the Research and Development Cess Act, 1986 (32 of 1986) in relation to such intellectual property service.

[F. No. B2/8/2004-TRU]
(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India

Ministry of Finance

(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 18/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts that portion of the value of taxable services which are defined in sub-clauses zzm, zzn, zzo, zzb, zzc, zzd, zze, zzf, zzg, zzh, zzi, zzj, zzk, zzl, zzm, zzn, zzo, zzp, zzq, zzr, zzs, zzt, zzu, zzv, zzw, zzx and zzy of clause 105 of section 65 of the said Act, from the whole of service tax leviable thereon under section 66 of the said Act, which is received by the service provider from the customer, exhibitor, client or any person, as the case may be, prior to the 10th day of September, 2004.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)

Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India

Ministry of Finance

(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 19/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts taxable service provided by an outdoor caterer to a client in relation to catering service provided on a railway train by such caterer, from the whole of service tax leviable thereon under section 66 of the said Act.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)

Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India

Ministry of Finance

(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 20/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary

in the public interest so to do, hereby exempts taxable service provided by an outdoor caterer from so much of the service tax leviable thereon under section 66 of the said Act, as is in excess of the amount of service tax calculated on a value which is equivalent to fifty per cent. of the gross amount charged from the client by such caterer for the services provided in relation to catering:

Provided that the said exemption shall apply in such cases where,-

(a) such outdoor caterer also provides food and the invoice, bill or challan issued for this purpose indicates that it is inclusive of charges for supply of food; and

(b) no credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; and

(c) such outdoor caterer has not availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003];

Explanation.- For the purposes of this notification, the expression "food" means a substantial and satisfying meal.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***
New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 21/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service provided by an outdoor caterer to a client for services in relation to catering by such caterer if such caterer is located within the premises of any academic institution or medical establishment and is providing such services only within such premises, from the whole of service tax leviable thereon under section 66 of the said Act.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***
New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 22/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts taxable service provided by a pandal or shamiana contractor to a client, from so much of the service tax leviable thereon under section 66 of the said Act, as is in excess of the amount of service tax calculated on a value which is equivalent to seventy per cent. of the gross amount charged from a client by such contractor, for the services provided in relation to a pandal or shamiana in any manner, including services rendered as a caterer:

Provided that the said exemption shall apply only in such cases where,-

(a) such pandal or shamiana contractor also provides catering services, that is, supply of food and the invoice, bill or challan issued for this purpose indicates that it is inclusive of charges for catering service; and

(b) no credit of duty paid on inputs or capital goods has been taken under the provisions of the Cenvat Credit Rules, 2004; and

(c) such pandal or shamiana contractor has not availed the benefit under the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2003-Service Tax, dated the 20th June, 2003 [G.S.R. 503 (E), dated the 20th June, 2003];

Explanation.- For the purposes of this notification, the expression "food" means a substantial and satisfying meal.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 23/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby rescinds the notifications of the Government of India in the Ministry of Finance

(Department of Revenue), No. 4/99-Service Tax, dated the 28th February, 1999 [G.S.R. 187 (E), dated the 28th February, 1999] and No. 9/2002-Service Tax, dated the 1st August, 2002 [G.S.R. 537 (E), dated the 1st August, 2002], except as respects things done or omitted to be done before such rescission.

[F. No. B2/8/2004-TRU]
(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India
Ministry of Finance
(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION
No. 24/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable services provided in relation to commercial training or coaching, by, -

- (a) a vocational training institute; or
- (b) a recreational training institute,

to any person, from the whole of the service tax leviable thereon under section 66 of the said Act.

Explanation.- For the purposes of this notification,-

- (i) "vocational training institute" means a commercial training or coaching centre which provides vocational training or coaching that impart skills to enable the trainee to seek employment or undertake self-employment, directly after such training or coaching;
- (ii) "recreational training institute" means a commercial training or coaching centre which provides training or coaching relating to recreational activities such as dance, singing, martial arts or hobbies.

[F. No. B2/8/2004-TRU]

(V. Sivasubramanian)
Deputy Secretary to the Government of India

19 BHADRAPADA, 1926 (SAKA)

Government of India

Ministry of Finance

(Department of Revenue) ***

New Delhi dated the 10th September, 2004 19 Bhadrapada, 1926 (Saka)

NOTIFICATION

No. 25/2004-Service Tax

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts that portion of the value of following taxable services, namely-

(a) services provided to a customer, by a commissioning and installation agency in relation to erection;

(b) services provided to any person, by a sub-broker in connection with the sale and purchase of securities listed on a recognised stock exchange;

(c) services provided to any person by a multisystem operator in relation to cable services;

(d) services provided to a client by a commercial concern in relation to the following business auxiliary services namely,-

(i) procurement of goods or services, which are inputs for the client;

(ii) production of goods on behalf of the client;

(iii) provision of service on behalf of the client; or

(iv) a service incidental or auxiliary to any activity specified in (i) to (iii) above;

(e) services provided to a customer by any body corporate or commercial concern, other than a banking company or a financial institution including a non-banking financial company, in relation to banking and other financial services;

(f) services provided to a customer by a banking company or a financial including a non-banking financial company in relation to financial services namely lending; issue of pay order, demand draft, cheque, letter of credit and bill of exchange; providing bank guarantee, over draft facility, bill discounting facility, safe deposit locker, safe vaults; operation of bank accounts;

(g) services provided to any person by a tour operator, other than a tour operator engaged in the business of operating tours in a tourist vehicle covered by a permit granted under the Motor Vehicles Act, 1988 or rules made thereunder, in relation to a tour; and

(h) service provided to a policy holder, by an insurer carrying on life insurance business in relation to the risk cover in life insurance, from the whole of service tax leviable thereon

under section 66 of the said Act, which is received by the service provider prior to the 10th day of September, 2004.

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