



केन्द्रीय उत्पाद शुल्क एवं सेवा कर आयुक्त का कार्यालय
नं.1, विलियम्स रोड, कन्टोनमेंट, तिरुच्चिरापल्लि - 620 001
OFFICE OF THE COMMISSIONER OF CENTRAL EXCISE & SERVICE TAX
NO.1 WILLIAMS ROAD, CANTONMENT, TIRUCHCHIRAPPALLI - 620 001.

Trade Notice No. 08/2012- S Tax

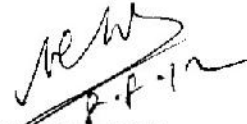
Dated 08.08.2012.

**Sub:- Service Tax – Clarification on Service Tax on remittance
of foreign currency in India from overseas - Reg.**

Copy of the letter F.No.354/119/2012 – TRU dated 10.07.2012 received from Tax Research Unit , central Board of Excise and Customs, New Delhi, communicating Circular No.163/14/2012 – ST is enclosed herewith for information and necessary action.

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

(Issued in File C.No.IV/16/828/2012 – STC)


(A.CLETUS)
JOINT COMMISSIONER

Encl. As above.

To,

The Mailing List I/II/III

प्रेषित DESPATCHED

दिनांक DATED..... 17/8/12



B2
10/7

Circular No. 163/14/2012-ST

F. No. 354/119/2012- TRU
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
(Tax Research Unit)

Room No 146, North Block, New Delhi-110002
Dated the 10th July 2012

To

Chief Commissioner of Customs and Central Excise (All)
Chief Commissioner of Central Excise & Service Tax (All)
Director General of Service Tax
Director General of Central Excise Intelligence
Director General of Audit
Commissioner of Customs and Central Excise (All)
Commissioner of Central Excise and Service Tax (All)
Commissioner of Service Tax (All)

for circulation
Off (S tax)
31/8/12

Madam/Sir,

Subject: Clarification on service tax on remittances - regarding.

Concerns have been expressed in various forums regarding the leviability of service tax on the remittance of foreign currency in India from overseas.

2. The matter has been examined and it is clarified that there is no service tax *per se* on the amount of foreign currency remitted to India from overseas. In the negative list regime, 'service' has been defined in clause (44) of section 65B of the Finance Act 1994, as amended, which excludes transaction in money. As the amount of remittance comprises money, the activity does not comprise a 'service' and thus not subjected to service tax.

3. In case any fee or conversion charges are levied for sending such money, they are also not liable to service tax as the person sending the money and the company conducting the remittance are located outside India. In terms of the Place of Provision of Services Rule, 2012, such services are deemed to be provided outside India and thus not liable to service tax.

4. It is further clarified that even the Indian counterpart bank or financial institution who charges the foreign bank or any other entity for the services provided at the receiving end, is not liable to service tax as the place of provision of such service shall be the location of the recipient of the service, i.e. outside India, in terms of Rule 3 of the Place of Provision of Services Rules, 2012.

5. This Circular may be communicated to the field formations and service tax assesses through Public Notice/ Trade Notice. Hindi version to follow.

Yours faithfully

10/7/12
(Dr. Shobhit Jain)
O.S.D. (TRU)
Fax: 23095596

S. Jain