



SERVICE TAX NOTIFICATION (No. 1 to 12)

-COPY OF-

NOTIFICATION NO.1/2007-SERVICE TAX Dated 1st March, 2007

In exercise of the powers conferred by sub-sections (1) and (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, namely:-

1. (1) These rules may be called the **Service Tax (Amendment) Rules, 2007**.
- (2) They shall come into force on the date of their publication in the Official Gazette, unless otherwise specified.
2. In the Service Tax Rules, 1994 (hereinafter referred to as the said rules), with effect from the 1st day of April, 2007, in rule 2, in sub-rule(1), in clause (d), for sub-clause (vii), the following sub-clause shall be substituted, namely:-

“(vii) in relation to sponsorship service provided to any body corporate or firm located in India, the body corporate or, as the case may be the firm who receives such sponsorship service;”.

3. In the said rules, in rule 4, in sub-rule (5),-
 - (i) after the words “application form”, the words “or an intimation under sub-rule (5A), as the case may be,” shall be inserted;
 - (ii) after the words “receipt of the application”, the words “or the intimation” shall be inserted.
4. In the said rules, in rule 6, for sub-rule (4A), the following sub-rules shall be substituted, namely:-

“(4A) Notwithstanding anything contained in sub-rule (4), where an assessee has paid to the credit of Central Government any amount in excess of the amount required to be paid towards service tax liability for a month or quarter, as the case may be, the assessee may adjust such excess amount paid by him against his service tax liability for the succeeding month or quarter, as the case may be.

(4B) The adjustment of excess amount paid, under sub-rule (4A), shall be subject to the following conditions, namely:-

- (i) excess amount paid is on account of reasons not involving interpretation of law, taxability, classification, valuation or applicability of any exemption notification,
- (ii) excess amount paid by an assessee registered under sub-rule (2) of rule 4, on account of delayed receipt of details of payments towards taxable services may be adjusted without monetary limit,
- (iii) in cases other than specified in clause (ii) above, the excess amount paid may be adjusted with a monetary limit of rupees fifty thousand for a relevant month or quarter, as the case may be,
- (iv) the details and reasons for such adjustment shall be intimated to the jurisdictional Superintendent of Central Excise within a period of fifteen days from the date of such adjustment.”.

5. In the said rules, after rule 7A, the following rule shall be inserted, namely:-

“7B. Revision of Return.-

An assessee may submit a revised return, in Form ST-3, in triplicate, to correct a mistake or omission, within a period of sixty days from the date of submission of the return under rule 7.

Explanation.- Where an assessee submits a revised return, the ‘relevant date’ for the purpose of recovery of service tax, if any, under section 73 of the Act shall be the date of submission of such revised return.”.

6. In the said rules, in Form ST-1,-
 - (i) in the DECLARATION, for the brackets and words “(Original existing Registration Certificate is required to be enclosed)”, the following shall be substituted, namely:-

“(Self certified photocopy of Registration Certificate is required to be enclosed)”;

- (ii) in the ACKNOWLEDGEMENT, the brackets and words "(I hereby acknowledge receipt of original existing Registration Certificate)" shall be omitted.
7. In the said rules, in Form ST-2, after paragraph 5, and before Note, the following paragraph shall be inserted, namely:-
- "6. This certificate is issued incorporating the changes intimated by the applicant and the previous certificate of registration bearing Registration Number _____ issued on _____ stand cancelled."
8. In the said rules, in Form ST-3, in the beginning, before "For the period:" the following shall be inserted, namely:-
- "ORIGINAL/REVISED RETURN (strike whichever is NOT applicable)".

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

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. 29/2006-Service Tax, dated the 2nd November, 2006 and published vide number G.S.R. 688 (E), dated the 29th November, 2006.

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NOTIFICATION
NO.2/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sections 93 and 94 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules further to amend the Export of Services Rules, 2005, namely :-

1. (1) These rules may be called the **Export of Services (Amendment) Rules, 2007.**
 - (2) They shall come into force on the date of their publication in the Official Gazette.
 2. In the Export of Services Rules, 2005, in rule 3, for sub-rule (2), the following sub-rule shall be substituted, namely:-
- '(2) The provision of any taxable service specified in sub-rule (1) shall be treated as export of service when the following conditions are satisfied, namely:-
- (a) such service is provided from India and used outside India; and
 - (b) payment for such service provided outside India is received by the service provider in convertible foreign exchange.

*Explanation.-*For the purposes of this rule "India" includes the designated areas in the continental shelf and Exclusive Economic Zone of India as declared by the notifications of the Government of India in the Ministry of External Affairs numbers S.O. 429(E), dated the 18th July, 1986 and S.O.643(E), dated the 19th September, 1996.'

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal rules were notified vide notification no. 9/2005-Service Tax, dated the 3rd March 2005 and published in the Gazette of India, Extraordinary vide number G.S.R.151(E), dated the 3rd March 2005 and were last amended vide notification No. 13/2006-Service Tax, dated the 19th April, 2006 and published vide number G.S.R. 229 (E), dated the 19th April, 2006.

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NOTIFICATION
NO.3/2007-SERVICE TAX
Dated 1st March, 2007

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 makes the following further amendment in notification of the Government of India in the Ministry of Finance (Department of Revenue) No.36/2004-Service Tax, dated the 31st December, 2004 which was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 849(E) of the same date, namely:-

In the said notification, in paragraph (A), for sub-paragraph (vi), the following sub-paragraph shall be substituted, namely:-

“(vi) in relation to sponsorship service provided to any body corporate or firm located in India”

2. This notification shall come into force on the **1st day of April, 2007**.

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal notification No.36/2004-Service Tax, dated the 31st December 1994 was published in the Gazette of India, Extraordinary *vide* number G.S.R.849(E), dated the 31st December, 2004 and were last amended *vide* notification No. 16/2006-Service Tax, dated the 25th April, 2006 published in the Gazette of India, Extraordinary *vide* number G.S.R. 246(E), dated the 25th April, 2006.

-COPY OF-

NOTIFICATION
NO.4/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 6/2005-Service Tax, dated the 1st March, 2005 which was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 140(E) of the same date, namely:-

In the said notification,-

- (i) in paragraph 1, for the words “four lakh rupees”, the words “eight lakh rupees” shall be substituted;
- (ii) in paragraph 2, in sub-paragraph (viii), for the words “rupees four lakhs”, the words “eight lakh rupees” shall be substituted;
- (iii) in paragraph 3, for the words “four lakh rupees”, wherever they occur, the words “eight lakh rupees” shall be substituted.

2. These amendments shall come into force on the **1st day of April, 2007**.

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal notification No. 6/2005-Service Tax, dated the 1st March, 2005 was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 140(E), dated the 1st March, 2005.

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-COPY OF-

NOTIFICATION

NO.5/2007-SERVICE TAX

Dated 1st March, 2007

In exercise of the powers conferred by sub-section (2) of section 69 of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 26/2005-Service Tax, dated the 7th June, 2005 which was published in the Gazette of India, Extraordinary, vide number G.S.R. 368(E) of the same date, namely:-

In the said notification, in paragraph 1, in sub-paragraph (ii), for the words "three lakh rupees", the words "seven lakh rupees" shall be substituted.

2. This notification shall come into force on the **1st day of April, 2007**.

Sd/-

(R. Sriram)

Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal notification No. 26/2005-Service Tax, dated the 7th June, 2005 was published in the Gazette of India, Extraordinary, vide number G.S.R. 368(E), dated the 7th June, 2005.

-COPY OF-

NOTIFICATION

NO.6/2007-SERVICE TAX

Dated 1st March, 2007

In exercise of the powers conferred by sub-sections (1) and (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 (Registration of Special Category of Persons) Rules, 2005, namely:-

1. (1) These rules may be called the **Service Tax (Registration of Special Category of Persons) Amendment Rules, 2007**.

(2) They shall come into force on the **1st day of April, 2007**.

2. In the Service Tax (Registration of Special Category of Persons) Rules, 2005, in rule 3, in sub-rule (2), for the words "three lakh rupees" occurring at both the places, the words "seven lakh rupees" shall be substituted.

Sd/-

(R. Sriram)

Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal rules were notified vide notification No. 27/2005-Service Tax, dated the 7th June, 2005 and published in the Gazette of India, Extraordinary, vide number G.S.R. 369(E), dated the 7th June, 2005 and were last amended vide notification No. 18/2006-Service Tax, dated the 25th April, 2006 and published in the Gazette of India, Extraordinary, vide number G.S.R. 248(E), dated the 25th April, 2006.

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-COPY OF-
NOTIFICATION
NO.7/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by rule 3 of the Service Tax (Registration of Special Category of Persons) Rules, 2005, the Central Board of Excise and Customs hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 32/2005-Service Tax, dated the 20th October, 2005 which was published in the Gazette of India, Extraordinary, vide number G.S.R. 640(E) of the same date, namely:-

In the said notification, in Form ST – 1, in serial number 4, in category (b)(ii), for the words “three lakh rupees”, the words “seven lakh rupees” shall be substituted.

2. This notification shall come into force on the **1st day of April, 2007**.

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

Note.- The principal notification No. 32/2005-Service Tax, dated the 20th October, 2005 was published in the Gazette of India, Extraordinary, vide number G.S.R. 640(E), dated the 7th June, 2005.

-COPY OF-
NOTIFICATION
NO.8/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable services, specified in sub-clause (zzze) of clause (105) of section 65 of the said Finance Act, provided or to be provided, by a resident welfare association where the sole criterion for its membership is the residential status of a person in a residential complex or locality, to its members, from the whole of the service tax leviable thereon under section 66 of the said Finance Act, subject to the condition that the total consideration received from an individual member by the said association for providing the said services does not exceed three thousand rupees per month.

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

-COPY OF-
NOTIFICATION
NO.9/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts all taxable services, provided or to be provided, by a Technology Business Incubator (TBI) or a Science and Technology Entrepreneurship Park (STEP) recognized by the National Science and Technology Entrepreneurship Development Board (NSTEDB) of the Department of Science and Technology, Government of India, from the whole of the service tax leviable thereon under section 66 of the said Finance Act.

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2. The exemption contained in this notification shall be subject to the following conditions, namely:-

- (i) the STEP or the TBI, who intends to avail the exemption, shall furnish the requisite information in Format I containing the details of the incubator along with the information in Format II received from each incubatee to the concerned Assistant Commissioner or the Deputy Commissioner of Central Excise, as the case may be, before availing the exemption; and
- (ii) the STEP or the TBI shall thereafter furnish the information in the formats mentioned above in the same manner before the 30th day of June of each financial year.

Format - I - Information to be furnished by TBI or the STEP

Filed in the financial year _____

1. Name of the Technology Business Incubator/Science and Technology Entrepreneurship Park
2. Address
3. Whether availing benefit of exemption for first time
4. If the answer to 3 is not in affirmative, the date from which benefit is being availed
5. Details of taxable services provided during the previous financial year

Sl.No.	Name of Taxable Service	Value of Service Provided	
		To incubates	To others

6. Details of Taxable services provided by incubatees as per enclosure.

Place

Date

Signature of the authorised person

Acknowledgement

I hereby acknowledge the receipt of Format I for the period _____

Place

Date

Signature of the Officer of
Central Excise and Service Tax
(with Name and Official seal)

Format II – Information to be obtained by TBI/STEP from each incubatee and to be filed along with Format I

1. Name of the Incubatee
2. Address
3. Details of the project
4. Date of signing agreement with the TBI/STEP (incubator)
5. Total business turnover during the previous financial year
6. Details of taxable services provided during the previous financial year

Sl.No.	Name of Taxable Service	Value of taxable Service Provided

Place

Date

Signature of the authorized person

3. This notification shall come into force on and from the **1st day of April 2007**.

Sd/-
(R. Sriram)
Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

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-COPY OF-
NOTIFICATION
NO.10/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts taxable services provided by an entrepreneur located within the premises of a Technology Business Incubator (TBI) or Science and Technology Entrepreneurship Park (STEP) recognized by the National Science and Technology Entrepreneurship Development Board (NSTEDB) of the Department of Science and Technology Government of India from the whole of the service tax leviable thereon under section 66 of the said Finance Act subject to the condition following conditions, namely:-

1. The exemption contained in this notification shall apply subject to the following conditions, namely:-
 - (i) the entrepreneur enters into an agreement with the TBI or the STEP as an incubatee, to enable himself to develop and produce hi-tech and innovative products; and
 - (ii) the total business turnover of such entrepreneur does not exceed fifty lakh rupees during the previous financial year;

Provided that the exemption contained in this notification shall apply for a period of three years from the date on which such entrepreneur enters into an agreement with the TBI or the STEP.

Explanation:- The exemption for taxable services under this notification shall not be available for any taxable services provided or to be provided immediately after the total business turnover of the entrepreneur exceeds fifty lakh rupees during a given financial year.

2. This notification shall come into force on the **1st day of April 2007**.

Sd/-

(R. Sriram)

Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

-COPY OF-
NOTIFICATION
NO.11/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable service, specified in sub-clause (zzh) of clause (105) of section 65 of the said Finance Act, provided or to be provided by a Clinical Research Organization approved to conduct clinical trials by the Drugs Controller General of India, in relation to testing and analysis of newly developed drugs, including vaccines and herbal remedies, on human participants so as to ascertain the safety and efficacy of such drugs on human participants, from the whole of the service tax leviable thereon under section 66 of the said Finance Act.

Sd/-

(R. Sriram)

Deputy Secretary to the Government of India

F.No.334/1/2007-TRU

-COPY OF-
NOTIFICATION
NO.12/2007-SERVICE TAX
Dated 1st March, 2007

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the taxable services, provided or to be provided, under an agreement, by any person to other person who has the right to authorise any person to exhibit cinematograph film, from the whole of the service tax leviable thereon under section 66 of the said Finance Act, subject to the following conditions, namely:-

- (i) that the service provided or to be provided is in relation to the delivery of the content of the cinematograph film; and
- (ii) that the content of such film, being in digitized form, after its encryption, is transmitted directly to a cinema theatre for exhibition through the use of satellite, microwave or terrestrial communication line and not by any physical means including CD and DVD.

Explanation.- For the purposes of this notification,-

- (a) "cinematograph film" means a film certified under section 5A of the Cinematograph Act, 1952 (37 of 1952);
- (b) "cinema theatre" means a place which is licenced under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any other law for the time being in force in a state for the exhibition of a cinematograph film.

Sd/-

(R. Sriram)

Deputy Secretary to the Government of India

F.No.334/1/2007-TRU
Issued by:
Ministry of Finance
(Department of Revenue)
New Delhi

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