

## **Export of Services Rules under Service Tax**

The Export of service Rules, 2005 were notified with effect from 15-03-2005 to determine whether a provision of service will be regarded as export of service. Like export of goods, service can also be exported without payment of duty/tax.

So before we move on to export our services outside India, let us understand in brief the basic conditions required to be fulfilled, so that it can be treated as Export of service.

As per clause (1) of rule 6A of service tax rules, any service provided or agreed to be provided shall be treated as export of service if all the below mentioned conditions satisfied cumulatively:-

### **A. The provider of service is located in the taxable territory :-**

The first condition to be satisfied is that the service provider must be located in the taxable territory. Under section 63(52) of the act, the term 'taxable territory' means the territory to which the provisions of the act apply. Under section 64(1) of the act, the act extends to the whole of India except the State of Jammu & Kashmir.

From a combined reading of the aforesaid provisions, it is clear that the term 'taxable territory' means 'India' minus the State of Jammu & Kashmir.

It is also clear that any service provider located in the State of Jammu & Kashmir Cannot be treated as an 'exporter'.

### **B. The Recipient of service is located outside India :-**

The second condition to be satisfied is that the recipient of service (service receiver) must be located outside India. This means that the service receiver must be located outside the territorial limits of India, including the State of Jammu & Kashmir.

If service provider is located within the State of Jammu & Kashmir, the case will not fall under 'Export of Service'.

### **C. The service is not a service specified in section 66D of the Act :-**

The third condition to be satisfied is that the service must not be a service specified in the Negative List spell out in section 66D of the Act.

There are certain changes made in the negative list. Updated Negative list can be checked at following link :-

**Exemption of Services –Notification No. 25 dated 20/06/2012 updated till date**

### **D. The place of provision of the service outside India :-**

The fourth condition to be satisfied is that the place of provision of the service must be outside India. The fulfillment of this condition will have to be determined in accordance with the place of provision of service laid down in Rules 3 to 14 of the PPP Rules which are as follows: .

# Export Of Service Rules 2011

**Mohammad Ershadul Karim**



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## **Table of Contents Export Of Service Rules 2011**

1. Understanding the eBook Export Of Service Rules 2011
  - The Rise of Digital Reading Export Of Service Rules 2011
  - Advantages of eBooks Over Traditional Books
2. Identifying Export Of Service Rules 2011
  - 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 Export Of Service Rules 2011
  - User-Friendly Interface
4. Exploring eBook Recommendations from Export Of Service Rules 2011
  - Personalized Recommendations
  - Export Of Service Rules 2011 User Reviews and Ratings
  - Export Of Service Rules 2011 and Bestseller Lists
5. Accessing Export Of Service Rules 2011 Free and Paid eBooks
  - Export Of Service Rules 2011 Public Domain eBooks
  - Export Of Service Rules 2011 eBook Subscription Services
  - Export Of Service Rules 2011 Budget-Friendly Options
6. Navigating Export Of Service Rules 2011 eBook Formats
  - ePub, PDF, MOBI, and More
  - Export Of Service Rules 2011 Compatibility with Devices
  - Export Of Service Rules 2011 Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Export Of Service Rules 2011
  - Highlighting and Note-Taking Export Of Service Rules 2011
  - Interactive Elements Export Of Service Rules 2011
8. Staying Engaged with Export Of Service Rules 2011

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Export Of Service Rules 2011
- 9. Balancing eBooks and Physical Books Export Of Service Rules 2011
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Export Of Service Rules 2011
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Export Of Service Rules 2011
  - Setting Reading Goals Export Of Service Rules 2011
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Export Of Service Rules 2011
  - Fact-Checking eBook Content of Export Of Service Rules 2011
  - 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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