

**TAXABLE SERVICES ADDED BY ICAI IN SERVICE TAX FOR MAY 2011 AND NOV 2011**

**Question: 1**

Discuss the status of taxation for Cargo Handling Services [Sec 65(105) (x)]

**Answer:**

<b>Meaning</b>	<b>i.</b> Cargo Handling Services means [Section 65(23)] Loading, Unloading, Packing or Unpacking of cargo and includes specified activities. <b>ii.</b> Taxable service [Section 65(105) (x)]: Service provided in relation to cargo handling service by a cargo handling agency to any person
<b>Persons liable to pay tax</b>	<b>i. Inclusion:</b> <b>a.</b> Cargo Handling Agencies, <b>b.</b> Freight Terminals including Container Freight Terminal. <b>ii. Exclusion:</b> Ports providing Cargo Handling Services
<b>Taxable Services</b>	<b>i.</b> Cargo handling services provided for freight in Special Containers / Non-Containerized Freight. <b>ii.</b> Services provided by an Inland Container Depot (ICD) or a Container Freight such as <b>a.</b> Receipt, dispatch or delivery of cargo; <b>b.</b> Stuffing and stripping of containers; <b>c.</b> Transit operations by rail / road to and from serving ports; <b>d.</b> Temporary storage of cargo containers etc. <b>iii.</b> Services provided by Freight Terminal, for all modes of transport; <b>iv.</b> Cargo handling services incidental to Freight <b>v.</b> Services of transshipment of Import Cargo from international to domestic carrier. <b>vi.</b> Packing together with transportation of cargo or using services like loading, unloading, unpacking
<b>Non - taxable Services</b>	<b>i.</b> Services relating to Agricultural Produce / goods intended for cold storage. <b>ii.</b> Transportation of goods; <b>iii.</b> Handling of Export Cargo / Passenger Baggage. <b>iv.</b> Marketing or canvassing for cargo for Airlines <b>v.</b> Service of auction of abandoned cargo. <b>vi.</b> Cargo handling services provided in the port (Port Services) <b>vii.</b> Supply of labour for handling the cargo (Manpower Recruitment and Supply Services) <b>viii.</b> Storing, Washing, Repairing and Handling of empty containers for shipping lines. (Storage and Warehousing Services; Port Services if rendered within a Port)

**Question: 2**

Members of the Commerce Profession i.e., Chartered Accountants, Company Secretaries, Cost Accountants are liable to pay service tax for services rendered by them Discuss. [Sec 65 (105) (u), 65 (105) (v)]

**Answer**

<b>Meaning</b>	<b>i. Practicing Chartered Accountants [Sec 65(83)]:</b> Members of the Institute of Chartered Accountants of India holding Certificate of Practice. <b>ii. Practicing company secretaries [Sec 65(85)]:</b> Members of Institute of Company Secretaries of India holding Certificate of Practice. <b>iii. Practicing Cost Accountants [Sec 65(84)]:</b> Members of Institute of Cost and Works Accountants of India holding Certificate of Practice.
<b>Persons liable to pay tax</b>	Independent Practitioners and Firms of PCAs / PCSs / PCWAs
<b>Taxable Services</b>	All services provided by Practicing Chartered Accountants, Practicing Company Secretaries and Practicing Cost Accountants, in their professional capacity.
<b>Non-taxable Services</b>	<b>i.</b> Services relating to Teaching, Placement etc. (not deemed to be provided in professional capacity) <b>ii.</b> Services in relation to representation before Statutory Authorities if such representations are in the course of proceedings initiated under any law for the time being in force, by way of issue of notice.

# Ipcc Service Tax Practice Manual May 2015

**H Kauffman**



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