

# **EXPORT PROMOTION COUNCIL FOR EOUs & SEZs**

**Ministry of Commerce & Industry, Government of India**

8G, 8<sup>th</sup> Floor, Hansalaya Building, 15, Barakhamba Road, New Delhi 110 001

Tel: 23329766-69, Fax: 223329770, E-mail : [epces@epces.in](mailto:epces@epces.in)

AnandGiri

Deputy Director

**EPCES CIRCULAR NO. 223 DATED 10-2-2016**

**Subject : Amendment to Notification No. 12/2013-ST dated 1-7-2013 : Refund of Swachh Bharat Cess paid on specific services used in SEZ – reg**

This is with reference to Notification No. 12/2013-ST dated 1.7.2013, circulated vide EPCES Circular No. 179 dated 2.7.2013, wherein we have informed regarding exemption from the services on which service tax is leviable under section 66B of the said Act, received by a unit located in a Special Economic Zone (hereinafter referred to as SEZ Unit) or Developer of SEZ, and used for the authorised operation from the whole of the service tax, education cess, and secondary and higher education cess leviable thereon.

Department of Revenue, Ministry of Finance, vide Notification No. 02/2016-Service Tax dated 3/2/2016 (copy enclosed) informing about exemption from Swachh Bharat Cess on specific services used in SEZ. The notification provides as under:-

“ Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2013 – Service Tax, dated the 1st July, 2013 , published in the Gazette of India, Extraordinary, vide number G.S.R. 448(E), dated the 1st July, 2013, namely:-

In the said notification, in paragraph 3, in sub-paragraph (III), after clause (b), the following clause shall be inserted, namely:-

"(ba) the SEZ Unit or the Developer shall be entitled to-

- i. refund of the Swachh Bharat Cess paid on the specified services on which ab-initio exemption is admissible but not claimed; and
- ii. the refund of amount as determined by multiplying total service tax distributed to it in terms of clause (a) by effective rate of Swachh Bharat Cess and dividing the product by rate of service tax specified in section 66B of the Finance Act, 1994."

This is for kind information of the members.

---

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION(i)]

**GOVERNMENT OF INDIA  
MINISTRY OF FINANCE  
(DEPARTMENT OF REVENUE)**

**NOTIFICATION  
No. 02/2016-Service Tax**

**New Delhi, the 3<sup>rd</sup> February, 2016**

**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), read with sub-section (5) of section 119 of the Finance Act, 2015 (20 of 2015), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 12/2013 – Service Tax, dated the 1<sup>st</sup> July, 2013 , published in the Gazette of India, Extraordinary, vide number G.S.R. 448(E), dated the 1<sup>st</sup> July, 2013, namely:-

In the said notification, in paragraph 3, in sub-paragraph (III), after clause (b), the following clause shall be inserted, namely:-

“(ba) the SEZ Unit or the Developer shall be entitled to-

i. refund of the Swachh Bharat Cess paid on the specified services on which *ab-initio* exemption is admissible but not claimed; and

ii. the refund of amount as determined by multiplying total service tax distributed to it in terms of clause (a) by effective rate of Swachh Bharat Cess and dividing the product by rate of service tax specified in section 66B of the Finance Act, 1994.” .

**[F. No. 332/18/2015-TRU ]**

**(K. Kalimuthu)**

**Under Secretary to the Government of India**

Note.- The principal notification was published in the Gazette of India, Extraordinary, by notification No. 12/2013 – Service Tax, dated the 1<sup>st</sup> July, 2013, vide number G.S.R. 448 (E), dated the 1<sup>st</sup> July, 2013 and last amended by notification No. 7/2014 – Service Tax, dated the 11<sup>th</sup> July, 2014 vide number G.S.R. No. 476(E), dated the 11<sup>th</sup> July, 2014.