

Service Tax (Provisional Attachment of Property) Rules, 2008

(Notification No. 30/2008-S.T., dated 01-07-2008)

In exercise of the powers conferred by sub-sections (1) and (2) of section 94 read with section 73C of the Finance Act, 1994 (32 of 1994), the Central Government hereby makes the following rules, namely:-

Rule 1. Short title and commencement. — (1) These rules may be called the Service Tax (Provisional Attachment of Property) Rules, 2008.

(2) They shall come into force on the date of their publication in the Official Gazette.

Rule 2. Definitions- (1) In these rules, unless the context otherwise requires,-

- (a) "Act" means the Chapter V of the Finance Act, 1994 (32 of 1994);
- (b) "pending revenue" means any service tax that has not been levied or paid or has been short-levied or paid or erroneously refunded in respect of which a notice has been served under sub-section (1) of section 73 or sub-section (3) of section 73A;
- (c) "property" includes immovable property;
- (d) "personal property" means any movable or immovable property belonging to a proprietor or partner or director, which is not in relation to business activity;
- (e) "section" means a section of the Act;

(2) Other words and expressions used in these rules shall have the meaning assigned to them under the Act or rules made thereunder or if such words or expressions are not defined in the Act but defined in the Central Excise Act, 1944 (1 of 1944) or the rules made thereunder, they shall have meaning assigned to them in that Act or the rules made thereunder.

Rule 3. Procedure for provisional attachment of property.-

- (1) If the Assistant Commissioner of Central Excise or the Deputy Commissioner of Central Excise, is satisfied that it is necessary or expedient, for the purpose of protecting the interest of revenue, during the pendency of any proceeding under section 73 or section 73A of the Act, to attach provisionally any property belonging to a person on whom a notice has been served under sub-section (1) of section 73 or sub-section (3) of section 73A of the Act, shall after due verification of the facts, and the circumstances of the case, forward a proposal for provisional attachment of property of such person, to the Commissioner of Central Excise, in the format annexed to these rules.
- (2) The Commissioner of Central Excise, on receipt of proposal as specified in sub-rule (1), or on his own, if he is satisfied that circumstances of case justify provisional attachment, may cause service of a notice on such person for provisional attachment, with reasons for initiating action under these rules and the details of property to be attached provisionally, giving opportunity to such person to make submissions in this regard, within fifteen days of service of such notice.
- (3) Upon consideration of submissions made by such person, in writing or in person or both, the Commissioner of Central Excise may pass an order in writing to attach provisionally any property belonging to such person.

Provided no such order shall be issued to attach the personal property of Proprietor or Partners or Directors, as the case may be.

Rule 4. The property that can be attached-

- (1) The provisional attachment of property shall be to the extent it requires to protect the interest of revenue, that is to say, the value of property attached shall be of value as nearly as may be equivalent to that of the amount of pending revenue against such person.
- (2) The movable property belonging to such person shall be attached only if the immovable property available for attachment is not sufficient to protect the interest of revenue.

Service Tax Rules 2008

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A Study of Service Tax in India and its Analysis Dr. Makarand Raghunath Sakhalkar, 2018-03-05 Based on recommendations made by Chelliah Committee on Tax Reforms Service Tax was introduced for the first time in the year 1994 It is a Union levy with a selective approach whereby it is applicable to selected categories of services and not to all the services The system of levy and collection of Excise Duties on goods is in existence since 1944 under Central Excise Act 1944 However the concept of levy and collection of Service Tax on paid services was introduced in India for the first time in 1994 by the then Finance Minister Dr Manmohan Singh It is a tax levied on the transaction of certain specified services by the Central Government under the Finance Act 1994 It is an indirect tax which means that normally the service provider pays the tax and recovers the amount from the recipient of taxable service *New Zealand Goods and Services Tax Legislation (2013 edition)* CCH New Zealand Ltd, 2013-07-01 Fully consolidates the Goods and Services Tax Act 1985 to 1 January 2013 A comprehensive summary of amendments history notes and full index are included **Tax laws and practice** DR.VEENA SONI, 2022-09-30 *A New Tax System (Goods and Services Tax) Act* Australia, 2016-02-15 A New Tax System Goods and Services Tax Act 1999 Act No 55 of 1999 as amended This compilation was prepared on 4 July 2011 taking into account amendments up to Act No 61 of 2011 As of 15 11 2011 Australia *Halsbury's Statutory Instruments* Great Britain, 1986

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Michigan Compiled Laws Service Michigan, 2001 *Legislative Synopsis and Digest ...* Illinois. General Assembly, 2009 **Legislative Synopsis and Digest ... General Assembly, State of Illinois** Illinois. General Assembly, 2007 *Revised Code of Washington* Washington (State), 2021 *Legislative Record of the State of New York*, 1910 **Parliamentary Debates (Hansard)**. Great Britain. Parliament. House of Commons, 1918 Contains the 4th session of the 28th Parliament through the session of the Parliament **Australian Legal Words and Phrases**, 2010 *Bartlow V. Costigan*, 2012 *Emory Bankruptcy Developments Journal*, 2009 **Docket No. 105342**, 2007

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