



Enroll. Refer. Earn With ICICI Bank Home Loans

ENROLL NOW

T&C apply



What do you want to learn today?

Excel, GST, Income tax etc

All Subjects

All Faculty

Demo Videos

Home / Forum / Service Tax / Queries

A KIDNEY-FRIENDLY COOKBOOK THAT'S FULL OF FLAVOR

GET RECIPES >

FRESENIUS KIDNEY CARE

Thrive On

Google Custom Search



Enroll. Refer. Earn With ICICI Bank Home Loans



ENROLL NOW

T&C apply

Search Forum

Search

Partial reverse charge - query

Follow 10 Replies

Start a discussion Unanswered

Rajat Agrawal (Article) 07 November 2013

I'm a service recipient, liable to pay tax on "Manpower Recruitment/Supply agency service" on 75% of the tax value.

What are the remedies available to me if:

- (1) If pay the whole 100% amount of tax instead of 75%?
- (2) The service provider has paid 100% of the tax instead of 25%?

Thanks in advance! :)

Popular Discussion

- Service Tax Dispute Related
- Are you looking for a money to enlarge your business
- Fast And Easy Loan.

view more >>

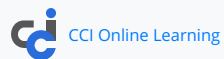
Stay updated with latest Discussion!

Enter Email

Subscribe

CCI Online Courses

GST certification Professional Course



CAclubindia Online Learning offers a wide variety of online classes and video lectures for various professional courses such as CA, CS, CMA, CISA as well as various certification courses on GST, Transfer Pricing, International Taxation, Excel, Tally, FM, Ind AS and more. know more

[Request a call back](#)

•• [satya](#) (Executive Excise) [07 November 2013](#)

Dear Sir,

As per RCM rules, if service provider pays wrongly 100% liability instead of his portion.

The dept will give you notice for non payment of service recipient portion.

The issue will not solve with RO/AC/DC/COMMISSIONER level, you will won by CESTAT or higher authorities.

my suggestion is pl bear your liability as per Reverse charge mechanism .

 1 Like



•• [Rajat Agrawal](#) (Article) [07 November 2013](#)

Thank you sir.

But will the answer be the same in first case i.e. when I have paid t he whole 100% instead of paying 75%?



•• [CA. Narottam Kumar Rawat](#) (Indirect Tax Consultant) [07 November 2013](#)

Dear Rajat,

First of all I would like to inform that Service tax under reverse charge on **"Supply of Manpower"** and **not** on **"recruitments"**.

Further, In case you have paid full 100% service tax under reverse charge, you have two options:

1. you may apply for refund of 25% of service tax (excess) paid within a period of one year or;
2. You may adjust for succeeding period liability in accordance with Rule 6(4A) of Service Tax Rules.

CENVAT Credit will be allowed only for 75% not for 25% you have paid in excess subject to eligibility.




[Online Excel Course](#)

Professional Course



[GST Annual Return](#)

Professional Course

Millions of businesses are saving money by using vehicle trackers. Are they right for you? 

Expert Market



Browse by Category

Income Tax

Audit

Students

Accounts

Custom

VAT

Career

In other case, Mr. Sathya has replied you well.

 1 Like



•• [Rajat Agrawal](#) (Article) [08 November 2013](#)

Dear Narottam

If I adjust the excess 25% of excess tax paid later for my next liability, will I be able to use CENVAT for that 25%?



•• [CA. Narottam Kumar Rawat](#) (Indirect Tax Consultant) [08 November 2013](#)

Of course you are eligible to take CENVAT Credit. But proper reconciliation make ready for such adjustment, so that in future you can prove the same.

 1 Like



•• [prosanta bordoloi](#) (AAO) [09 November 2013](#)

Whether Reverse charge is applicable for the service receiver in the following case

(1)The service provider is a Govt PSU or a Private Limited Company and offering works contract service to a Govt PSU (SERVICE RECEIVER). Now whether the reverse charge is applicable for the service receiver ?

Thanks in advance



•• [CA. Narottam Kumar Rawat](#) (Indirect Tax Consultant) [09 November 2013](#)

Dear Prosanta,

Service Tax

Corporate Law

Info Technology

Excise

Shares & Stock

Exams

LAW

Professional Resource

Others

Taxpayers

GST

PSU are not Govt or local Authorities. In case PSU receives services which fall under Reverse Charge then PSU is liable to pay service tax under Reverse Charge.

However, they paid through account entry only.



•• [prosanta bordoloi](#) (AAO) [16 November 2013](#)

My question is this -whether reverse Charge is applicable if both the service provider and the service receiver is company?



•• [CA. Narottam Kumar Rawat](#) (Indirect Tax Consultant) [16 November 2013](#)

Dear Prosanta,

Yes in some cases even both service provider and recipient are company reverse charge is applicable:

1. Import of Services
2. GTA
3. Sponsorship Services

However, in case of Manpower Supply , rent a cab etc.. only in case provider is non-corporate and recipient is a Corporate.



Previous [1](#) [2](#) Next

Leave a reply

You are not logged in . Please login to post replies

[Click here to Login / Register](#)

[← Previous Thread](#)

[Next Thread →](#)

Recent Topics

- ✔ ITR NOT PROCESS TILL DATE
- ✔ Real estate projects
- ✔ Penalty for without bill
- ✔ Pease answer
- ✔ ITC CREDIT ON IRON BARS FOR REPARING FACTORY
- ✔ 44AD Business or 44ADA Profession
- ✔ HSN-CODE for rate diff
- ✔ Can Inward remittance for consultancy services be
- ✔ Deduction u/s 54
- ✔ Tds offline form

[More](#) | [Post](#)

Related Threads

- ✔ Is krishi kalyan cess applicable on reverse charge mechanism (rcm) service?
- ✔ Reverse charge mechanism and input tax credit
- ✔ Reverse charge mechanism
- ✔ Reverse charge - service tax
- ✔ Should we charge st if services outside india?
- ✔ w to calculate reverse chage, and want to know on what are t hings/expenses are on reverse charge i am working in pvt ltd. company i am very much thankfull, if anyone have deeply kn owledge pls guide me
- ✔ Reverse charge on centering works
- ✔ Whether to charge service tax/gst in invoice
- ✔ Reverse charge mechanism
- ✔ Service tax itc claimed in 2013 disallowed by superintendent - how to do the reverse payment

Articles

News

GST

Trainee Corner

Forum

Experts

Scorecard

Notification

Career

Budget

CCI Online Learning

Featured

Jobs

Feed

Share Files

Poll

Video

Top Members

Bookmarks

Coaching Institutes

Income Tax

Rewards

Events

Send me Newsletter

Download CCI APP



Our Newtwork Sites



[About](#)
[We are Hiring](#)
[Media Coverage](#)
[Advertise](#)
[Terms of Service](#)
[Disclaimer](#)
[Privacy Policy](#)
[Contact Us](#)



© 2019 CAclubindia.com. Let us grow stronger by mutual exchange of knowledge.