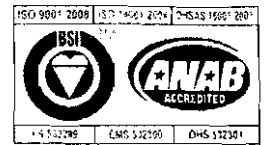




**CENTRAL WAREHOUSING CORPORATION**  
(A GOVT. OF INDIA UNDERTAKING)



No. CWC/FD-Taxation/IT/Circulars/15-16

30th June, 2015

**IT Circular # 35**

**Subject = Non deduction of TDS on Service Tax Portion shown separately.**


This is with reference to the Central Board of Direct Taxes (CBDT) Circular No. 01/2014 dated 13.01.2014 clarifying that TDS under chapter XVII-B payable to a resident shall not be deducted on Service Tax Component indicated separately in terms of an agreement/ Contract. The Corporate Office vide its email dated 20/01/2014 had forwarded the above CBDT circular with the instruction not to deduct TDS u/s 194J on Service tax component of invoices for Professional Payments, if such Service tax component is indicated separately.

Queries have been raised from units on the applicability of TDS on Service tax Component on other payments as well i.e. payments which are subjected to TDS u/s 194C, 194H etc. It is clarified that the above Circular is not restricted to Section 194J payments only but covers all payments on which TDS under chapter XVII B is applicable.

Accordingly It is requested to ensure that the Corporation does not deduct TDS on Service Tax Component indicated separately in the bill of the suppliers/ contractors while making payment to a resident. Similarly it may also be ensured that the respective parties from whom the Corporation receives the Income do not deduct any TDS on Service Tax Component on the bills of the Corporation.

Please acknowledge the receipt and bring the contents of this Circular to the Notice of all concerned for scrupulous compliance.

This issue with the approval of GM (F&A).

  
(Amit Puri)  
Dy. General Manager (Tax)

**Distribution to:**

1. All Regional Managers of CWC.
2. All Executive Engineers in-charge of all the Construction Cells of CWC.
3. All AGMs/Managers/ (Sr.) Asstt. Managers in-charge of the Finance, Accounts & Internal Audit Wings of all ROs & CCs of CWC.

**Copies for information to:**

1. All HODs at CWC, Corporate Office, New Delhi.
2. All DGM/AGMs/Managers/ (Sr.) Asstt. Managers/Accountants in Finance, Accounts & Internal Audit Cadre at CWC, Corporate Office, New Delhi.
3. PS to SE, CWC, CO, New Delhi.
4. PS to Director (Pers)/Director (Fin), CWC, CO, New Delhi.
5. PS to GM (Systems), CWC, CO, New Delhi with a request to place this Circular on CWC's Website.
6. Manager (Rajbhasha), CWC, CO, New Delhi with a request to arrange Hindi Version of this Circular.

Circular No. 1 /2014

F. No. 275/59/2012-IT(B)  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Direct Taxes

New Delhi, the 13<sup>th</sup> January 2014

**Subject: TDS under Chapter XVII-B of the Income-tax Act, 1961 on service tax component comprised in the payments made to residents - clarification regarding**

The Board had issued a Circular No.4/2008 dated 28-04-2008 wherein it was clarified that tax is to be deducted at source under Section 194-J of the Income-tax Act, 1961 (hereafter referred to as 'the Act'), on the amount of rent paid/payable without including the service tax component. Representations/letters has been received seeking clarification whether such principle can be extended to other provisions of the Act also.

2. Attention of CBDT has also been drawn to the judgement of the Hon'ble Rajasthan High Court dated 01.07.2013, in the case of CIT(TDS) Jaipur vs Rajasthan Urban Infrastructure (Income-tax Appeal No.235, 222, 238 and 239/2011), holding that if as per the terms of the agreement between the payer and the payee, the amount of service tax is to be paid separately and was not included in the fees for professional services or technical services, no TDS is required to be made on the service tax component u/s 194J of the Act.

3. The matter has been examined afresh. In exercise of the powers conferred under section 119 of the Act, the Board has decided that wherever in terms of the agreement/contract between the payer and the payee, the service tax component comprised in the amount payable to a resident is indicated separately, tax shall be deducted at source under Chapter XVII-B of the Act on the amount paid/payable without including such service tax component.

4. This circular may be brought to the notice of all officers for compliance.


5. Hindi version shall follow.

  
(Sandeep Singh)

Under Secretary to Government of India

Copy to:

1. The Chairperson, Members and all other officers of the CBDT of the rank of Under Secretary and above
2. All Chief Commissioners of Income-tax(CCA) & All Directors General of Income-tax
3. The Director (PR, PP & OL), Mayur Bhawan, New Delhi for printing in the quarterly tax bulletin and for circulation as per usual mailing list (100 copies)
4. The Comptroller and Auditor General of India (40 copies)
5. All Directors of Income Tax, New Delhi
6. All CsIT(TDS)
7. The Director General of Income-tax, NADT, Nagpur
8. Guard file

  
(Sandeep Singh)

Under Secretary to Government of India