



OFFICE OF THE COMMISSIONER OF SERVICE TAX-I, MUMBAI
5th FLOOR, 115, NEW CENTRAL EXCISE BUILDING, M.K.MARG,
CHURCHGATE, MUMBAI 400020
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TRADE NOTICE NO. 21/13-14-ST-I DATED 11-03-2014

Sub : Rectification of mistake of payment of service tax deposited under wrong accounting code and wrong Service Tax Code -reg.

This Commissionerate has been receiving a large number of requests for rectification of mistakes occurred on account of deposit of Service Tax in wrong accounts. Two types of mistakes are reported. The first mistake is where the Service Tax has been paid in the wrong accounting code which may occur due to wrong data entry of accounting codes. To illustrate, Service Tax payable for "Business Auxiliary Service" (accounting code no. 00440225) might have been paid under service, "Business Support Services (accounting code No. 00440366) or basic Service Tax might have been paid under accounting code for Education Cess (accounting code no. 00440298). For such mistakes, it is mentioned that as long as these mistakes have happened under the same Service Tax Code (also known as Registration Number or Assessee Code), the assessee should inform Deputy Commissioner (Technical), Office of the Commissioner of Service Tax-I, Mumbai, 115, New Central Excise Building, M.K.Marg, Churchgate, Mumbai – 400 020, in writing alongwith copy of Service Tax payment Challan, and by giving information in the following format:-

A. In case of online payment of service tax:

S. No.	Challan Identification Number (CIN) as mentioned in Challan.	Description of Accounting head (as mentioned in Challan).	Accounting Code (as mentioned in Challan)	Amount (in Rs.)	Correct description of Accounting head.	Correct Accounting Code	Correct Amount (in Rs.)
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B. In case of manual payment of service tax:

S. No.	Basic Statistical Return (BSR) Code as mentioned in the Receipt (Challan) issued by the receiving bank.	Serial No. and date as mentioned in the Receipt (Challan) issued by the receiving bank.	Accounting Code (as mentioned in the Receipt (Challan)	Amount (in Rs.)	Correct Accounting Code	Correct Amount (in Rs.)
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PAO in case of manual payment. They (e-PAO or PAO) would carry out necessary correction and inform the department and the assessee about action taken by them.

2.1 However, another type of mistake noticed is payment of Service Tax under the Service Tax Code of another assessee. The said mistake might happen because of the following reasons:-

a) The assessee holds multiple Service Tax Codes on same PAN for different branches within or across Commissionerates and pays the Service Tax liability against wrong Service Tax Code, belonging to the same assessee. This also includes the cases where some of the registrations have become defunct because, either the assessee has stopped operating the business from the said premises or the assessee might have taken Centralized Registration, but by mistake Service Tax payment is made in the incorrect Service Tax Code.

b) The Chartered Accountant/Consultant might commit a mistake of payment of Service Tax in the Service Tax Code of other client.

2.2 Requests are made by many assesseees to transfer the amount of Service Tax from one Service Tax Code to another Service Tax Code. The issue has been examined and it is clarified that, presently there is no system available whereby Service Tax paid into a wrong Service Tax Code can be transferred to correct Service Tax Code. It is reiterated that even in case of same legal entities having different Service Tax Code with same PAN, the transfer of amount from one Service Tax Code to another Service Tax Code is not possible. However, the following legal remedies are available to the assesseees to rectify their mistakes.

a) As per Rule 6(4A) of the Service Tax Rules, 1994, Service Tax amount paid wrongly, can be adjusted against liability for succeeding month or quarter, as the case may be.

b) In case, facility at (a) cannot be availed, the assessee may file a refund application under Section 11B of the Central Excise Act, 1944 for the amount wrongly paid within the time limit prescribed under Law.

It is further clarified that, notwithstanding availing the above mentioned remedy, the assessee is also required to make Service Tax payment under correct Service Tax Code. Any delay in making Service Tax payment may attract interest as per provisions of the Service Tax Law.

2.3 It is reiterated that in case of payment under wrong Service Tax Code, there is no remedy available under the present system to transfer the money from one Service Tax Code to another Service Tax Code and therefore, the assessee should avail the options given at para

2.2.

3. All the Trade Associations are requested to bring the contents of this Trade Notice to the notice of their members in particular and the Trade in general.

(Sushil Solanki)
(SUSHIL SOLANKI) 11/3/14
COMMISSIONER
SERVICE TAX-I, MUMBAI

F. No. V/ST-I/Tech-II/Trade Notice/2013-14/827/13/ 577

Mumbai, the

Copy to:

1. The Chief Commissioner, Central Excise, Mumbai Zone-I,
2. The Chief Commissioner, Central Excise, Mumbai, Zone-II,
3. The Director General of Service Tax, Mumbai,
4. The Commissioner (Service Tax), CBEC, New Delhi,
5. The Commissioner, Service Tax-II, Mumbai,
6. J.S, T.R.U (II) , CBEC, New Delhi.
7. The Addl. Commissioner (Audit), Service Tax-I, Mumbai (Worli),
8. The Addl. Commissioner (P&E), Service Tax-I, Mumbai (Churchgate),
9. The Addl. Commissioner (Anti Evasion) , Service Tax-I, Mumbai (Churchgate),
10. The Asstt. /Dy. Commissioner, Service Tax, Mumbai, Div.-I, II, III,
The Asstt. /Dy. Commissioner P&V, Audit, Anti-evasion, TAR, Adjudication, Legal,
Tribunal & Review, Stats, ACES, RTI, Data Analysis and Research Cell.
11. The P.A to the Commissioner, Service Tax-I, Mumbai, for record,
12. As per mailing list,
13. Notice Board,
14. Master file.