

This treatment of works contract as service and not as supply of goods will bring in much needed clarification to the works contracts. Under the current regime, different states have different schemes for VAT.

There are different **composition schemes with different VAT rates**. Service tax too is complex with **60% abatement** on new works and **30% abatement on repair contracts**. GST will solve such with a much simpler straightforward calculation.

## **Input Tax Credit is NOT available**

GST Law mentions that input tax credit is not available for-

- works contracts **services** when supplied for construction of immovable property, other than plant and machinery, except where it is an input service for further supply of works contract service
- **Goods or services** received by a taxable person for construction of an immovable property on his own account, other than plant and machinery, even when used in course or furtherance of business.

On analysis, one finds this provision is quite contradictory.

For example, any contractor/builder will not enjoy any input tax credit on the **input services** if he constructs any building. But he will enjoy input tax credit on input service for further supply of works contract service. These two sentences are confusing and contradictory.

Input tax credit is available to a builder while constructing plant and machinery. But input tax credit is not available to any taxable person who constructs **on his own account even if it is for business use**.

## **Abatement is not mentioned**

No abatement has been prescribed for works contract service so far. Currently VAT is payable on the works contract. Service tax is paid @15% on either 40% (on new work) or 70% (on repair, maintenance work).

In case no abatement/ composition is provided, it may lead to significant **increase in tax burden**, especially if such works contract is taxed at **Standard GST rate** which is 18%.

## **Composition scheme is not available**

Composition scheme is not available to works contractors as it is treated as service under GST. Composition scheme is only available to suppliers of goods. This will be a big blow to the small sub-contractors who cannot opt for

# Current Rates Service Tax

**Daniela Niemeyer**

A red circular graphic with a gradient, appearing as a stylized arrow or a partial circle, located to the right of the author's name.

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Metamorphosis -Service Tax To Goods Services Tax Monish Bhalla,2020-05-24 2006 to 2017 for 11 long years the Author wrote a weekly column in the leading English daily DNA Service Tax Simplified Every week a recent burning issue a new current problem and the challenge for finding a solution A solution which had to be simple in lucid layman language Many of his professional colleagues asked him why he gives a free solution in public What he achieve in giving free advice And His response A SMILE Because that s what he give to his readers when they find their solutions a smile on their tense faces If his articles have brought back the smiles on the reader s faces if his articles have assisted them to resolve their service tax issues with the department without spending a penny if many articles have enriched the knowledge of his learned friends chartered accountants consultants tax professionals and his friends working with the service tax department then my efforts have been awarded He has learned that Life is a journey a journey with no destination It is this voyage one needs to learn to enjoy As you read this compilation of over 450 articles you will experience the evolution of service tax as if a small caterpillar has metamorphosed into a butterfly

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