

Trade Notice - Service Tax

Office of the Deputy Commissioner

Central Excise & Service Tax Division

SCO 48-49, Sector -17 A, Chandigarh

C. No. ST-20/STD/Misc./Sevottam/62/12/4693

Dated 13/08/2015

To

M/s Apex Restaurants Pvt. Ltd.

SCO 7 Sector -26

Chandigarh

Sir,

Subject – Clarification on levy of Service Tax on food sold by way of Pick-up or Home Deliveries –C/Regarding

Please refer to your office letter dated 22.07.2015 (received in this office on 23.07.2015) on the above cited subject where under Clarification as to whether Service Tax is payable on food sold by way of Pick-up or Home deliveries has been sought.

It is clarified that in case of the transaction involving Pick-up or the Home Deliveries of the food sold by the Restaurant the dominant nature of the transaction is that of sale and not service as the food is not served at the Restaurant and further no other element of service which is offered at the restaurants be it ambience, live entertainment, if any, air conditioning, or personalized hospitality is offered. The Service Tax can be levied if there's an element of 'Service' involved which would typically be the case where food is served in restaurant.

The above transaction is not liable to Service Tax being sale in nature only if no amount is charged for such free delivery of food.

This is issued with prior approval of the Additional Commissioner.

Yours Faithfully

Deputy Commissioner