

SINDH SALES TAX SPECIAL PROCEDURE (TRANSPORTATION OR CARRIAGE OF PETROLEUM OILS THROUGH OIL TANKERS) RULES, 2018

¹**Notification SRB-3-4/1/2018, dated 2nd February, 2018.**--In exercise of the powers conferred by the provisions of sub-section (2) of section 8 and section 13 of the Sindh Sales Tax on Services Act, 2011 (Sindh Act No. XII of 2011), read with sub-section (4) of section 3, sub-section (3) of section 9, and section 72 thereof, the Sindh Revenue Board, with the approval of the Government of Sindh, is pleased to make the following rules, namely:--

1. Short title, application and commencement.--(1) These rules may be called Sindh Sales Tax Special Procedure (Transportation or Carriage of Petroleum Oils through Oil Tankers) Rules, 2018;

(2) These rules shall apply to such of the service or services of inter-city transportation or carriage of petroleum oils by road which are provided or rendered through oil tankers and are classified under tariff heading 9836.0000 of the Second Schedule to the Sindh Sales Tax on Services Act, 2011; and

(3) These rules shall come into force at once and shall apply in relation to such of the service or services as are provided or rendered on or after the first day of January, 2018.

2. Definitions.--(1) In these rules, unless there is anything repugnant in the subject or context,--

I. Reported as PTCL 2018 St. 191.

- (a) **"Act"** means the Sindh Sales Tax on Services Act, 2011 (Sindh Act No. XII of 2011);
- (b) **"Board"** or "SRB" means Sindh Revenue Board established under the Sindh Revenue Board Act, 2010 (Sindh Act No. XI of 2010);
- (c) **"Form"** means the form prescribed under these rules;
- (d) **"Inter-Province service or services"** means a service or services originating in or from any place in the Province of Sindh and terminating at any place (including Federal Capital Territory, FATA, PATA, AJK and GB) outside the Province of Sindh;
- (e) **"Intra-Province service or services"** means a service or services originating in or from any place in the Province of Sindh and also terminating at any place in the Province of Sindh;
- (f) **"Invoice"** means an invoice, bill, bilty, consignment note, cash memo, credit memo, advice or any other such transaction-related document containing the particulars mentioned in rule 29 of the Sindh Sales Tax on Services Rules, 2011, read with sub-rule (4) of rule 42G thereof;
- (g) **"Non-tariff area"**, in relation to inter-province service or services, means the State of Azad Jammu and Kashmir, Gilgit Baltistan [¹* * *] and other similar territories or areas where sales tax on the service or the services of inter-city transportation or carriage of petroleum oils by road through oil tankers has not been levied under the reverse charge mechanism.
- (h) **"Petroleum oils"** means that petroleum oils classified under heading 27.10 of the Pakistan

I The comma and words ", Islamabad Capital Territory" omitted by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

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Customs Tariff, as given in the First Schedule to the Customs Act, 1969 (Act No. IV of 1969);

- (i) **"Registered person"** means a person who is registered with SRB under sections 24, 24A or 24B of the Act, read with clause (71) of section 2 thereof;
- (j) **"Sales tax" or "tax"** means the Sindh sales tax as defined in clause (92) of section 2 of the Act;
- (k) **"Service" or "services"** means such of the service or the services of inter-city transportation or carriage of petroleum oils by road through oil tankers, as are classified under tariff heading 9836.0000 of the Second Schedule to the Act;
- (l) **"Service provider"** means a person registered with SRB under the Sindh Sales Tax on Services Act, 2011, for providing or rendering such of the service or services as are mentioned in clause (k) of this rule;
- (m) **"Service recipient"** means the person, receiving the service or the services, to whom the service provider issues the invoice;
- (n) **"These rules"** means the Sindh Sales Tax Special Procedure (Transportation or Carriage of Petroleum Oils through Oil Tankers) Rules, 2018;
- (o) **"Un-registered person"** means a person who is liable to be registered under the Act but is actually not registered and does not hold a Sindh Sales Tax Registration Number (SNTN) ¹[and includes a person whose registration has been suspended or cancelled under section 25 of the Act or under rule 10 of the Sindh Sales Tax on Services Rules, 2011];

I The words added by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

- (p) **"Withholding agent"** means a person as defined in sub-rule (11) of rule 2 of the Sindh Sales Tax Special Procedure (Withholding) Rules, 2014; and
- (q) **"Withholding Rules"** means the Sindh Sales Tax Special Procedure (Withholding) Rules, 2014."

(2) The words and expressions used in these rules but not defined herein shall have the same meaning as assigned to them in the Act.

3. Rate of tax.--The rate of tax on inter-Province service or services shall be 15 per cent of the value of the services in case the registered service provider elects or opts to pay the said higher rate of 15 per cent on the inter-Province service or services provided or rendered by him. For this purpose, the registered service provider shall submit his written election or option, in the Form appended to these rules, to the concerned Commissioner of the SRB so as to reach him within 14 days from the date of this notification. However, persons commencing their economic activity in relation to the business of inter-Province service or services ¹[for the first time] shall submit their election or option ²[electronically] in the prescribed Form atleast 10 days before the commencement of such economic activity ³[* * *] ⁴[:]

1 Substituted for the words "on a date after the date of this notification" by Notification No. SRB-3-4/24/2022, dated 28th June, 2022.

2 The word inserted by Notification No. SRB-3-4/19/2020, dated 29th June, 2020, *w.e.f.* 1st July, 2020, reported as PTCL 2020 St. 739.

3 The full stop, words and commas ". The option/election, so given in the prescribed Form, shall be valid for the period ending 30th June, ^a[2022]" omitted by Notification No. SRB-3-4/24/2022, dated 28th June, 2022.

a Substituted for the figures "^{al}[2021]" by Notification No. SRB-3-4/16/2021, dated 30th June, 2021, *w.e.f.* 1st July, 2021,

al. Substituted for the figures "^{ala}[2020]" by Notification No. SRB-3-4/19/2020, dated 29th June, 2020, *w.e.f.* 1st July, 2020, reported as PTCL 2020 St. 739.

ala Substituted for the figures "2019" by Notification No. SRB/3-4/18/2019, dated 27th June, 2019, *w.e.f.* 1st July, 2019, reported as PTCL 2019 St. 734.

4 Substituted for the full stop by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

Provided that the person opting/electing to pay sales tax at 15 per cent under these rules ¹[shall also be] liable to pay the tax at ²[15] per cent on intra-Province service or services in Sindh and, for this purpose, they shall not be required to submit the other option/election in the Form prescribed under rule 42G of the Sindh Sales Tax on Services Rules, 2011.

4. Tax invoices.--The service provider shall issue an invoice in relation to the service or the services provided or rendered by him:

Provided that where the service or the services in any invoice involves more than one ³[one tax jurisdictions (*e.g.* the inter-Province and intra-Province service or services, both)], the invoice shall clearly indicate the particulars of destinations, as per sub-clause (b) of clause (iv) of sub-rule (4) of rule 42G of the Sindh Sales Tax on Services Rules, 2011, and the value and the rate and amount of tax, separately, in the invoice.

5. Withholding of tax.-- ⁴[Fifty *per cent* of] the amount of sales tax shall be withheld by the service recipients who shall be the withholding agent and shall deposit ⁵[such withheld amount] in Sindh Government's head of account "B-02384" in the manner prescribed in the Sindh Sales Tax Special Procedure (Withholding) Rules, 2014:

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- 1** Substituted for the words "shall be" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.
- 2** Substituted for the figures "13" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.
- 3** Substituted for the words, brackets and figures "rate of tax (*e.g.* the rates of 13 per cent and 15 per cent, both)" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.
- 4** Substituted for the words "The whole of" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.
- 5** Substituted for the words "such amount" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

Provided that, in relation to the tax on inter-Province service or services, other than the services provided in non-tariff areas, the withholding agent shall, in accordance with the agreement recorded in paragraph 3 of the minutes of the meeting held on 13th September, 2017, as circulated under the Ministry of Energy (Petroleum Division), Islamabad's letter No. DOM-1(24)/2015-III dated 22nd September, 2017, deposit ¹[50% of the withheld amount of tax] in Sindh Government head of account "B-02384" in the aforesaid prescribed manner and the balance of the amount of sales tax shall be deposited in the jurisdiction of the Tax Authority of the respective Province in the manner as may be prescribed by that Authority ²[:]

³[Provided further that in case the services have been provided by an un-registered person, the service recipients shall withhold the whole of the amount of the sales tax involved for depositing such withheld amount in terms of the above Proviso:

Also provided further that the service recipient shall not release the amount of sales tax withheld by it in terms of this rule in case the service provider does not provide, to the service recipient, the evidence of having complied with the provisions of this rule for the previous month.]

6. Returns.--(1) The service provider shall e-file his tax returns, as defined in clause (75) of section 2 of the Act, in the prescribed manner:

Provided that where a service recipient agrees with the service provider to e-file the prescribed return on behalf of the service provider, such a service recipient shall e-file the prescribed return of the service provider⁴[:]

¹ Substituted for the figures and words "50% of the amount of tax" by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

² Substituted for the full stop by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

³ Proviso added by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

⁴ Substituted for the full stop by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

¹[Provided further that in the return e-filed under sub-rule (1), the return filer may enter and claim the input tax credits, as may be admissible in terms of sections 15,15A and 15B of the Act and rules 21, 22, 22A and 23 of the Sindh Sales Tax on Services Rules, 2011, and the payable balance amount of Sindh sales tax, if any as per the return, shall be paid in Sindh Government's head of account "B-02384" in the prescribed manner.]

²[(1A) The service recipient shall submit a monthly statement to the Assistant Commissioner incharge SRB Unit dealing with tariff heading 9836.0000 showing the name and SNTN of the service provider, invoice number & date, invoice value, amount of sales tax involved, destination of Petroleum Oils, amount of Sindh sales tax share, withheld amount and released amount by the end of the month following the month to which the statement relates.]

(2) The service recipient shall e-file his own return in the manner prescribed in the Withholding Rules and he shall also issue the prescribed Certificate of Deduction/Withholding, in Form SSTW-06, to the service provider, besides complying with the other provisions of the Withholding Rules.

7. Application of other provisions.--All the provisions of the rules and notifications made or issued under the Act shall ³[* * *] *mutatis mutandis* apply in relation to the service or services, the service providers, service recipients or withholding agent covered by these rules, to the extent that these rules are not inconsistent with the provisions of these rules.

1 Proviso inserted by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

2 Sub-rule (1) added by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

3 The word "maintain" omitted by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

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the intra-Provincial service or services [*** * ***] and on the inter-Province service or services at 15% in terms of the aforesaid 2018-Rules.

Signature. _____

Date _____

Name _____

CNIC No. _____

Tele. No. _____

Cell phone No. _____

Company/Firm/Service probyrs
Stamp _____

Witnesses:-

1. Signature _____

Date _____

Name _____

CNIC No. _____

2. Signature _____

Date _____

Name _____

CNIC No. _____

[Issued by the Sindh Revenue Board, Karachi, under the signature of Mr. Khalid Mahmood, Chairman, vide File No. SRB/TP/50/2017.]

I The word and figures "at 13%" omitted by Notification No. SRB-3-4/32/2020, dated 28th October, 2020, reported as PTCL 2021 St. 9.

