

Date: 14th May 2018

To,
The Superintendent,
Ramgopalpet – 1 Range, Secunderabad Division
Office of the Principal Commissioner of Service Tax
Secunderabad Commissioner ate, 3rd Floor, CLS Building
Nampalli Station Road
Hyderabad – 1

Sub: Submissioner of ST-5 - Appeal filed acknowledgment
Ref.: Your letter OC No. 88 / 2018 Rgpet-1 dated 3rd May 2018

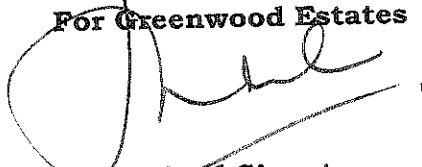
Dear Sir,

In response to the above letter please note we are already filled appeal ST-5 against OIO No. HYD-SVTAX-000-COMM-144-16-17 dated 15.12.2016. Acknowledgement copies are enclosed, and also enclosed CESTAT acknowledgement letter, vide Appeal No. :ST"30316:2018-ST(DB) dated 16.04.2018.

Kindly acknowledge the receipt of the above and do the needful.

Thanking You,

Yours truly,
For Greenwood Estates


Authorized Signatory

- Encl: 1. Appeal filed Acknowledgement copy
2. Appeal admitted letter from CESTA

Received
M. RAJU
15.05.18
M. RAJU
Superintendent
Central Tax (GST)
Ramgopalpet - 1 Range
Secunderabad Division
Hyderabad





केन्द्रीय कर उप/सहायक आयुक्त का कार्यालय,
सिकंदराबाद माल एवम सेवा कर मण्डल
OFFICE OF THE DEPUTY/ASSISTANT COMMISSIONER
OF CENTRAL TAX, SECUNDERABAD GST DIVISION.

“सलीक सीनेट”, गेट न: 2 -4- 416 & 417, रामगोपालपेट, एम.

जी. रोड़ सिकंदराबाद 500003

‘SALIKI SENATE’, Door No.2-4-416 & 417,
RAMGOPALPET, MG ROAD, SECUNDERABAD -
500003”

Contact No. 7901243130 mail- cgst.secdiv@gov.in

सी. नं. C.No: V/24/15/07/2018-Adjn

दिनांक Dated:26.04.2018

To,
M/s Greenwood Estates,
5/4-187/3 & 4, 2nd Floor,
Soham Manrion, M. G Road,
Secunderabad - 500 003.

[BY SPEED POST]



Madam/Sir,

Sub: Service Tax- Show Cause Notice issued for Non-Payment of Service Tax for the period April 2015 to June 2017 – Early Settlement of Disputes by availing the window of the Settlement Commission-Communication –Reg.

Please refer to the Show Cause Notice issued by the Assistant Commissioner of Central Tax, Secunderbad GST Division vide file of even no dated 17.04.2018 on the above subject, which was acknowledged on 18.04.2018.

2. In connection with the above mentioned Show Cause Notice, it is to inform that “the assessee may also like to opt for settlement of their case in terms of the provisions contained under Chapter V of the Central Excise Act, 1944 which is made applicable by Section 83 of the Finance Act, 1994 to the Service Tax matters, subject to the fulfilment of the conditions contained in the respective Acts.” This option of approaching the Settlement Commission can be exercised in lieu of adjudication of the case.

3. The above instructions may be treated as part of the Show Cause Notice as mentioned above and issued already.

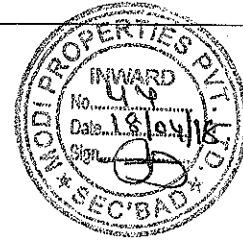
Yours faithfully

(मृत्युंजय श्रीकांतन)/(MRITHINJAI. S)
उप आयुक्त /DEPUTY COMMISSIONER
सिकंदराबाद मण्डल/ SECUNDERABAD DIVISION

O.C. NO H1/18
dt 26/4/18

Copy to:

1. The Superintendent of Central Tax, Central Excise and Service Tax, Ramgopalpet Range-I, Secunderabad GST Division, Secunderabad Commissionerate, for information.
2. The Commissioner of Central Tax & Central Excise, Secunderabad Commissionerate, Hyderabad. (By name to the Superintendent of Central Tax(Adjudication) for information.



सेंट्रल टैक्स एवम् कस्टम उप/सहायक आयुक्त का कार्यालय
 OFFICE OF THE DEPUTY/ASSISTANT COMMISSIONER OF CENTRAL TAX AND CUSTOMS
 सिकंदराबाद माल एवम् सेवा कर मंडल & सिकंदराबाद माल एवम् सेवा कर आयुक्तालय
 SECUNDERABAD GST DIVISION & SECUNDERABAD COMMISSIONERATE
 पता : "सलीक सीनेट", गेट . 2 -4- 416 & 417, रामगोपालपेट, एम.जी.रोड सिकंदराबाद 500003
 ADD: "SALIK SENATE", D. No. 2-4-416 & 417, RAMGOPALPET, MG ROAD, SECUNDERABAD 500003
 Contact No. 7901243130 email- cgst.secdiv@gov.in

C. NO. V/24/15/07/2018-Adjn

Date: 17.04.2018

SHOW CAUSE NOTICE

(Notice under Section 73(1A) of the Finance Act, 1994

Sub:: Service Tax - Non-Payment of Service Tax on Taxable Services rendered by M/s. Greenwood Estates, Hyderabad for the period April 2015 to June 2017- Issue of Show Cause Notice - Regarding.

M/s. Greenwood Estates, #5-4-187/3 & 4, II Floor, Soham Mansion, MG Road, Secunderabad-500 003 (here-in-after referred as "M/s Greenwood" or "the assessee(s)") are engaged in providing "Works Contract Service". The assessee is a registered partnership firm and got themselves registered with the department vide Service Tax Registration Number AAHFG0711BST001.

2. As seen from the records, the assessee entered into i) sale deed for sale of undivided portion of land together with semi-finished portion of the flat and ii) agreement for construction, with their customers. On execution of the sale deed the right in a property got transferred to the customer, hence the construction service rendered by the assessee to their customers under agreement of construction is classifiable under "Works Contract Service" under Section 65 (105) (zzzza) under Service tax as there exists service provider and receiver relationship between them. As there is transfer of property in goods in execution of the said construction agreements, it appears that the services rendered by them after execution of sale deed against agreements of construction to each of their customers to whom the land was already sold are taxable services under "Works Contract Service".

3. Accordingly, the following Show Cause Notices had been issued to the assessee:

Sl No.	SCN O.R. No. Date	Period covered	Amount of Service Tax demanded in Rs.	Status
1	HQPOR No. 77/2010-Adjn (ST), dated 21-5-2010	Jan - Dec, 2009	9,47,737/-	Confirmed vide OIO No. 47/2010-ST, dt. 24-11-2010. Party's appeal was dismissed vide OIA No. 11/2011 (H-II) S.Tax, dated 31-1-2011. CESTAT Granted Stay on 25.04.2012 vide stay Order No.666 & 667/2012 without pre deposit condition. Vide Misc Order No.21860-21877/2014 dt.31.07.2014 extended stay for six months from 31.07.2014.
2	OR No. 61/2011, dt. 23-04-2011	Jan - Dec, 2010	48,00,391/-	Confirmed vide OIO No. 51/2012-Adjn (ST)(ADC), dated 31-8-2012. Ordered de novo by the Commissioner (Appeals) vide OIA

				No. 39/2013 (H-II) S.Tax for re-quantification of the Service Tax payable. Denovo OIO No.83/2016-ADC dated 09.06.2017 served on the assesses on 02.10.2017.
3	OR No. 52/2012-Adjn (Addl.Commr.) , dt. 24-4-2012	Jan – Dec, 2011	46,81,850/-	Confirmed vide OIO No. 51/2012- Adjn (ST)(ADC), dated 31-8-2012. Ordered de novo by the Commissioner (Appeals) vide OIA No. 39/2013 (H-II) S.Tax for re-quantification of the Service Tax payable. . Denovo OIO No.83/2016-ADC dated 09.06.2017 served on the assesses on 02.10.2017.
4	O.R.No.83/2013 Adjn. (ST) ADC dated 02.12.2013	Jan – June, 2012	16,53,856/-	An amount of Rs.15,64,777/- towards ST has been confirmed vide OIO No.HYD-SVTAX-000-COM-02-14-15 dated: 20.02.2015.
5	O.R.No.156/2014-Adjn (ST) (Commr) dated:25-09-2014.	July, 2012 – March, 2014	92,38,975/-	An amount of Rs.89,57,783/- only towards ST has been confirmed for the period July, 2012 to December, 2013 vide OIO No.HYD-SVTAX-000-COM-02-14-15 dated: 20.02.2015
6	O.R.No. 131/2015-Adjn.(ST)(Commr) dt. 21.10.2015	Jan, 2014 – March, 2015	69,13,733/-	Confirmed vide OIO No.HYD-SVTAX-000-COM-144-16-17 dated 15.12.2016 by the Commissioner of Service Tax.

4. As per the information furnished by the assessee vide letter dated 15.02.2018 along with statements, it is seen that "the assessee" have rendered taxable services under the category of "Works Contract Services" during the period April, 2015 to June, 2017. The assessee had rendered services for a taxable value of Rs.7,81,36,512/- (Rupees Seven Crores Eighty One Lakhs Thirty Six Thousand Five Hundred twelve only). After deduction of VAT of Rs.38,59,385/- the taxable value works out to Rs.7,42,77,127/- on which service tax (including Education and S & H.E cess) works out to be Rs.42,01,762/-. The service tax liability work sheet is enclosed to this notice as Annexure.

5. Vide Finance Act, 2012, sub section (1A) was inserted in Section 73 which reads as under:

SECTION 73 (1A) - *Notwithstanding anything contained in sub-section (1) (except the period of eighteen months of serving the notice for recovery of service tax), the Central Excise Officer may serve, subsequent to any notice or notices served under that sub-section, a statement, containing the details of service tax not levied or paid or short levied or short paid or erroneously refunded for the subsequent period, on the person chargeable to service tax, then, service of such statement shall be deemed to be service of notice on such person, subject to the condition that the grounds relied upon for the subsequent period are same as are mentioned in the earlier notices.*

6. The grounds as explained in the show cause cum demand notices issued above are also applicable to the present case. Hence, this statement of demand/show cause notice is issued in terms of Section 73 (1A) of the Finance Act, 1994 for the period April, 2015 to June 2017.

7. In view of the above, M/s Greenwood Estates, 5-4-187/3 8s 4, II floor, Soham Mansion, M.G.Road, Secunderabad-500 003, are hereby required to show cause to the Assistant Commissioner of Central Tax & Central Excise, Office of the Assistant Commissioner of Central Tax, Secunderabad GST Division, Secunderabad GST Commissionerate, D. No. 2-4-416&417, 1st Floor, Salike Senate, Ramgopalpet, M. G. Road, Hyderabad within 30 (thirty) days of receipt of this Notice as to why:-

(i) An amount of Rs.42,01,762/- (Rupees Forty two Lakhs one Thousand seven hundred and sixty two only) including Education Cess and SHE Cess, should not be demanded from them under the "Works Contract Services" rendered by them during the period April, 2015 to June, 2017, in terms of Section 73 (1) of the Finance Act, 1994; on the grounds discussed supra; and

(ii) Interest on the amount at Sl.No. (i) above at appropriate rates should not be demanded under Section 75 of the Finance Act 1994;

(iii) Penalty should not be imposed on them under Section 76 of the Finance Act 1994; and

(iv) Penalty should not be imposed on them under Section 77 of the Finance Act, 1994.

8. M/s. Greenwood Estates, Hyderabad at the time of showing cause as above are required to produce all the evidence upon which they intend to rely in their defence. They are also required to indicate in their written reply whether they wish to be heard in person before the case is adjudicated. If no cause is shown against the action proposed to be taken within the stipulated time or having desired a hearing if they do not appear for the personal hearing on the appointed day & time, the case will be decided on merits, basing on the material/evidence available on record.

9. This notice is issued without prejudice to any other action that may be taken against the noticees / others under the Finance Act, 1994 or under any other law for the time being in force in India.

10. The provisions of the Finance Act, 1994 as discussed above are validated under the provisions of Section 174 of the Central Goods and Services Tax Act, 2017.

11. Reliance for issue of this notice is placed on the following:

1. Letter dated 15.02.2018 along with statements, submitted by M/s. Greenwood Estates, Hyderabad.

2. ST-3 Returns submitted by the assessee for the period April, 2015 to June, 2017.

Place: Secunderabad

Date: 17.04.2018


(के गोपाल राव/K Gopala Rao)

सहायक आयुक्त/Assistant Commissioner
सिकंदराबाद मण्डल/Secunderabad Division

To,
M/s Greenwood Estates,
5-4-187/3 & 4, 2nd Floor,
Soham Manrion, M. G Road,
Secunderabad - 500 003.

Copy to:

1. The Superintendent of Central Tax, Central Excise and Service Tax, Ramgopalpet Range-I, Secunderabad GST Division, Secunderabad Commissionerate, with direction to serve the Notice on the assessee and submit dated Acknowledgment to this office.
2. The Commissioner of Central Tax, Central Excise and Service Tax, Secunderabad Commissionerate, Hyderabad. (By name to the Superintendent of Central Tax(Adjudication) for information.

Annexure

M/s Greenwood Estates during the FY 2015-17 (in Rs.) [Upto June, 2017]

Total amount Receipt	7,81,36,512
Less amount towards VAT, Registration charges	38,59,385
Net Receipt	7,42,77,127
Service Tax Liability	42,01,762

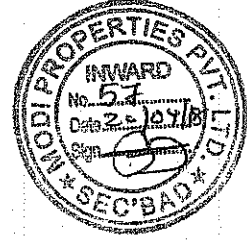
Note:

Service Tax Rate for Works contract Service during the said period:

Till 31st May, 2015	4.94%
From 1st June to 14th November, 2015	5.60%
From 15th November, 2015 to 31st May, 2016	5.80%
From 1st June, 2016 to 30th June, 2017	6%

[Handwritten Signature]
13/4/18

ए.ए. सुधीर कुमार
 M. MURUGAN MOORTHY
 अधिकारी/Inspector
 टैक्स एवं Central Tax
 रामगोपालपेट-1 की एच टी रेंज
 Ramgopalpet-1 GST Range
 सिकंदराबाद की एच टी डिवीजन
 Secunderabad GST Division
 सिकंदराबाद की एच टी कमिश्नरियात
 Secunderabad GST Commissionerate
 हैदराबाद/Hyderabad



सेवा कर प्रधान आयुक्त का कार्यालय

परिक्षेत्र-I :: लेखा आयुक्तालय-II :: 11-5-423/1/A :: सीताराम प्रसाद टावर :: रेड हिलस :: हैदराबाद -4
OFFICE OF THE PRINCIPAL COMMISSIONER OF CENTRAL TAX
CIRCLE-I :: AUDIT-II COMMISSIONERATE :: 11-5-423/1/A ::
SITARAM PRASAD TOWER :: REDHILLS :: HYDERABAD-4

C.No.Audit/CR-I/13/2018-19/SAG-14

Date: 12.04.2018

✓ To,
M/s. Green Woods Estates,
5-4-187/3 & 4, Soham Mansion,
MG Road,
Telangana - 500-003.

Registration No : AAHFG0711BST001

Sub: Intimation for conducting Service Tax Audit under EA 2000 - Reg.

Gentlemen,

The Internal Audit Group headed by Shri J.Govindu, Superintendent of Central Tax (Audit) Mobile No.8333809312 and Email Id- hydaudit2group14@gmail.com, Audit Group No. 14 will take up the audit of the accounts/records of your unit in the month of ^{May} January, 2018 for the period covering the last five years to till date or from the period after the last audit conducted by the Departmental Officers to till date. It is requested that the following documents may be furnished to this Office within 15 days of receipt of this letter;

- i) Copies of Balance Sheet, Profit & Loss Account Statement, Trial Balance and Annual Financial Statement for the above mentioned period.
- ii) Annual returns submitted to the Registrar of Companies, Sales Tax, Income Tax Returns along with Annexures (Form 3 CD) & 26AS Statement for the above mentioned period.
- iii) Returns if any submitted to Banks/Financial Institutions for the above mentioned period.
- iv) Cost Audit, Tax Audit and Internal Audit Reports, wherever applicable for the above mentioned period.
- v) Sample copies of Bills/Invoices/Debit Notes/Credit Notes issued from the date of levy of Service Tax till the date of Audit.
- vi) Particulars of Service Tax paid during the relevant Audit Period including value of taxable service, input credit utilized and net Service tax paid for the above mentioned period (ST-3 Returns will suffice).
- vii) Half yearly CENVAT Credit Returns filed under Rule 9(7) of Cenvat Credits Rules, 2004.
- viii) List of Show Cause Notice(s) issued, if any and their present status

ix) Contract, MOU, Agreements with principals, clients and other group companies or any other persons to whom any service is provided/received.

x) Annexures – III, VI & XV (copies enclosed) duly filled-in for the above mentioned period.

2. It may please be noted that non-furnishing of information/documents within the stipulated time may attract penal action under Section 77 of the Finance Act, 1994.

3. It is also requested to designate a person (employee of the company/ registered concern) for coordinating with the Audit team and communicate the name, designation and contact numbers and e-mail id of the person so designated.

4. It is further requested that full co-operation may be extended to the Audit party in carrying out the audit. You are aware that as per sub-rule 2 of the Rule 5 of the Service tax Rules, 1994, every assessee is required to furnish a list of all the records prepared or maintained by them for accounting of their transactions, apart from the financial records maintained by them in the normal course of business. Since, the Auditors have to mainly rely on the records maintained by the taxpayer for conducting the audit, you are therefore requested to keep all the relevant records ready so that the audit can be conducted smoothly.

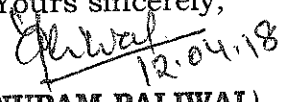
5. For voluntary compliance of the Audit objections raised by the Audit parties, there exists a provision under Section 11A (6) of the Central Excise Act, 1944/Section 73(4A) of the Finance Act, 1994, wherein only applicable Excise Duty / Service Tax and interest can be paid on the spot along with applicable penalty for waiver of show cause notice thus leading to better compliance and fewer litigations.

6. In case of any difficulty, you can get in touch with the undersigned through the telephone number/fax/email mentioned above.

The receipt of this letter may please be acknowledged.

Encl: As above

Yours sincerely,


12.04.18
(ANUPAM PALIWAL)
ASSISTANT COMMISSIONER

Copy to:

The Deputy/Assistant Commissioner of Central Tax, Secunderabad GST Division, for information and necessary action.

The Superintendent of Central Tax, Ramgopalpet-I Range, Secunderabad GST Division, for information and necessary action.

Details of the Group:

Group No. 14

Names of the Officers and designations:

Shri: J.Govindu, Supdt (M- 8333809312)

Shri: Rajesh Kumar Vidyarthi, Inspector (M- 9849493850)

Shri: Prabhakar Rajak, Inspector (M-9154170384)

3. Details of Permanent Account Number (PAN)

Tick any one box

(i) Not applied for PAN (ii) Applied for PAN but not received number (iii) Allotted PAN number

If (iii) provide the following details:

(a) PAN

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4. Description of the services provided.

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5. Service-wise details of value of service and tax paid (for 3 years).

Period	Name & Description of Service	Value of taxable services	Service Tax payable/paid	Total input credit utilized	Net Service Tax paid in cash (GAR-7)
Year 1	H ₁				
	H ₂				
Year 2	H ₁				
	H ₂				
Year 3	H ₁				
	H ₂				

6. Details of show cause notices issued alongwith brief facts and issue involved - Last 3 years.

7. Details of cases pending with CESTAT/High Court/Supreme Court.

11: List of branch offices, alongwith their respective value of taxable services.

Part III - List of hard copies to be kept in Master File.

The other part of the master file should consist of hard copy of certain documents as illustrated below:-

- (i) A copy of the taxpayer's application for registration (ST-1).
- (ii) A copy of STC (ST-2)
- (iii) A copy of the list of all records maintained by the taxpayer in relation to Service Tax including memoranda received from branch office as submitted under Rule 5 (2) of the Service Tax Rules, 1994.
- (iv) Copy of Balance Sheets, Profit & Loss Statement, Trial Balance, Annual Reports.
- (v) Copies of Tax Audit reports (under Income Tax Act) for 2 years.
- (vi) Copies of Cost Audit Reports, if any for 2 years.
- (vii) A copy of the previous audit reports (if taxpayer was audited previously) – whether by Internal Audit or CAG.
- (viii) Copy of Service specific Profiles, if any, prepared in the department.
- (ix) A copy of any other return / declaration sent to any other department / agency or to designated regulatory authority.
- (x) Scored Working Papers.
- (xi) Minutes of Service Tax Monitoring Cell.
- (xii) Any other documents relevant for audit for service tax assessment.

ANNEXURE - XV

[see Annexure IV]

**QUESTIONNAIRE FOR ASSESSEE –
(Information to be given for the period covered in Audit)****(i) General:**

01.	Name & address of Service Provider	:	
02.	Name and contact number of the Authorized person for Audit.	:	
03.	Service tax Registration No. & date	:	
04.	Whether Service Tax Registration is Centralized?	:	
05.	Whether the assessee is also registered as an Input Service Distributor?	:	
06.	Whether the assessee is a Proprietary, Partnership firm, Limited liability Partnership firm (LLP), Pvt. Ltd Company, Public Limited Company?	:	
07.	Details of transactions with Associated Enterprise as defined in Section 65(7b) of Chapter V of the Finance Act, 1994.	:	
08.	Details of Taxable Services provided.	:	
09.	Details of Taxable Services received for which tax has to be paid under reverse charge.	:	
10.	Details of exempted Services provided, if any, & Notification No.	:	
11.	If both Taxable and Exempted Services are provided, whether separate accounts are maintained in terms of Rule 6 of the CENVAT Credit Rules, 2004.	:	
12.	Details of Taxable Service Exported	:	
13.	Whether e-filing of returns and e-payment are mandatory? If so, whether complied or not?	:	
14.	Whether list of records maintained is filed with the S.T. department? [Rule 5(2) of the Service Tax Rules 1994]	:	
15.	Whether any periodical report/statement is furnished to any State / Central Government / Authority / Regulatory bodies? If yes, details thereof.	:	
16.	Whether any trading of goods/ materials carried out? If so details thereof.	:	

17.	Whether Registered with Central Excise? If so, details thereof.	:	
18.	Whether any offence case is booked in respect of Service Tax, Central Excise, Income Tax, VAT/ Sales Tax. If so, details thereof.	:	
19.	Whether any service is sub-contracted partially or wholly? If so, details thereof.	:	
20.	Is there any case where services provided in the State of Jammu & Kashmir?	:	
21.	Whether CENVAT Credit on input services availed? If so, details of major input services may be indicated.	:	
22.	Whether CENVAT Credit on inputs availed? If so, details of major inputs may be indicated.	:	
23.	Whether CENVAT Credit on Capital Goods availed? If so details of such Capital goods, along with their Central Excise Tariff Heading (CETH).	:	
24.	Whether CENVAT credit is taken after making payment of the invoice amount (including Service Tax) to the input service provider?	:	
25.	In case the assessee is also registered as an Input service distributor, whether he is having any unit in which only exempted products are manufactured? If yes, whether he is distributing the credit in respect of services related to that unit also?	:	
26.	Whether any amount payable/ paid to the Client has been adjusted against the receipt/ receivable and net income shown in the P&L Account.	:	
27.	Whether any advance payment is received towards providing services? If yes, whether Service Tax is paid on such receipts?	:	
28.	Is there any expenditure to any entity abroad which has been made but on which assessee is not required to pay service tax under reverse charge mechanism? If yes, details thereof.	:	
29.	Whether service tax is paid on the gross value received including TDS amount deducted by the service recipients?	:	
30.	Whether PF/ ESI or any other charges of the personnel of the service provider are being directly paid by the service recipients? If so whether service tax is paid on such amount.	:	

31.	Details of agreements entered into by the assessee for providing / receiving services	:	
32.	Details of expenditure in foreign currency on which service tax has neither been charged by the assessee nor it is payable under Sec. 66 A i.e. under reverse charge mechanism	:	

(ii) **Invoicing pattern**

01.	Is invoice issued in all transactions? If not, reasons for not issuing invoice.	:	
02.	How many series of invoices are being used?	:	
03.	If more than one series is used, give details of each such series.	:	
04.	If there are more than one series of invoices, is service tax paid on all the series of invoices?	:	
05.	If not, then the reasons for not paying service tax on such series of invoices (e.g. exempted / exports / trading / non taxable services). Give details	:	
06.	Whether the invoice contains the STC number?	:	
07.	Is invoice issued on the date of provision of service or before or later?	:	
08.	List the different heads under which amounts are billed in invoices and their corresponding heads in the Trial Balance.	:	
09.	Name the heads in the invoice on which Service Tax is not paid.	:	
10.	Is there any sale of goods involved?	:	
11.	Is sales tax or VAT paid on value of goods sold?	:	
12.	Is the value of sale of goods included in the Gross amount charged declared in ST-3?	:	
13.	Are there any reimbursements billed in the invoice?	:	
13.1	Are there any debit/ credit notes issued for claiming reimbursements?	:	
14.	If yes, is service tax paid on these reimbursements? If not, reasons thereof.	:	
15.	Whether invoices are generated on Computer. If yes, then whether the Invoice Numbers are generated automatically or is fed manually. What safe guards are provided in the system for data security? Give the name and designation of the person having the	:	

	authority to cancel an invoice.		
16.	Whether any amount is recovered by issue of debit note and whether it is included in the gross value of services?	:	
17.	Give a brief on sale pattern of services liable to service tax	:	
18.	Are any goods or services provided by the service receiver free of cost or at subsidized price?	:	

(iii) **Accounts and records**

01.	Whether accounts are prepared on mercantile basis or cash basis?	:	
02.	Whether the Accounts are maintained electronically? If yes, the name of accounting packages / computer software installed for maintaining accounts in the units like Tally, FAS etc :	:	
03.	Whether accounting software was switched over to some other software during the audit coverage period.	:	
04.	Whether any changes have been made in the accounting policies affecting ST liability relating to reimbursement of expenses, timing of payment of Service Tax and treatment of payments in foreign currency?	:	
05.	Whether accounts are audited by Statutory Auditor? If so, name and address of the auditor.	:	
06.	Whether Cost Accounting records as prescribed under Section 233 B of the Companies Act, 1956 are required to be maintained?	:	
07.	Whether Cost Audit Report is conducted and if yes report thereof is prepared?	:	
08.	Whether there is any system of Internal Auditing?	:	

4. **Making of ST-3 return**

01	Whether payment of Service Tax is on Billing basis or receipt basis?	:	
02	List the ledger/ accounts from where the monthly gross amount received is taken for taxable service.	:	
03	List the ledger/accounts from where the amount received towards gross monthly amount of Exports is taken.	:	

04	List the ledger/accounts from where the amount received towards gross monthly amount of exempted service is taken.	:	
05	List the ledger/accounts from where the gross monthly amount of amount received as pure agent is taken.	:	
06	List the ledger/ accounts from where the gross monthly amount billed is taken.	:	

(i) **Exports**

01	What is the sub clause of section 64(105) of the Finance Act, 1994 where the service claimed to have been exported categorized.	:	
02	Under which clause of sub rule 1 of rule 3 of Export of Services Rules, 2005 is this service categorized? [Rule 3(i), 3(ii) or 3(iii)]	:	
03	Please elaborate how the conditions of the said rule are fulfilled.	:	
04	Is the service provided from India and used outside India for all such transactions (prior to 27.02.2010)?	:	
05	Is the payment for such service received by the service provider in convertible foreign currency for all such transactions?	:	

(ii) **Exemption**

01	Please list the exemptions being claimed.	:	
02	Please list the conditions prescribed in each of the exemption claimed. Please specify if the conditions of exemption are fulfilled.	:	
03	If abatement is being claimed, is the CENVAT of capital goods, inputs or input services claimed?	:	
04	If abatement is being claimed, is the benefit of notification No.12/03-ST, dated 20/6/2003 also claimed?	:	

(iii) **MIS**

01	What is the organization structure?	:	
02	Who is responsible for billing and sales?	:	
03	What reports are given to his seniors on the daily, weekly, monthly sales? Give sample copies.	:	

ANNEXURE – VI

[see para 6.2.8]

A. Reconciliation Questionnaire data for Receipts:

Name of the assessee being audited..... :

Service Tax Registration No..... :

Period covered for audit..... :

Type of
accounting.....Mercantile /
Cash

Data For Reconciliation of year wise total income/ sales as shown in the Annual Financial Accounts and Ledgers:

Sr.No.	Particulars	Year 1	Year 5	Source of data as shown in the col.-2
1	2	3	4	7	8
1	Gross Receivables as per ledgers (Credit side)				
1.1	Service Tax charged, if not included in Ledgers' receipt				
1.2	Amount of entries reversed / debited other than related to expenditure (Has no relevance with opening Gross Receipts)				
2	Gross Income as per Annual Report (Trial Balance in case of multiple registrations)				
2.1	Service Tax charged, if not included in the income				
	3.1 Opening debtors (Taxable service related)				
	3.2 Advance payments received (w.e.f. 16.06.2005)				
	3.3 TDS received related to unpaid bills				
	3.4 Value of free material received, if any				
	3.5 Receipt of re-imburement of expense (other than as a pure agent)				
	3.6 Withheld retention money released by clients				
	3.7 Recovery of Bad debts earlier written off				
	3.8 Reimbursement of expenses made during provision of service if not billed				
	3.9 Outstanding amount in respect of bills raised to Associated Enterprises [Section 65(7b)]				
	3.10 Others additions (specify):				
	4.1 Closing debtors (Taxable services related)				
	4.2 Exported service income (PI see Foot note 1)				
	4.3 Exempted service income (PI see Foot note 2)				
	4.4 Non-taxable service income (PI see Foot note 3)				
	4.5 Trading income, if any				
	4.6 Sales of goods not linked with provision of service (if any)				
	4.7 Sale of goods linked to Service under Notification No.12/2003-ST				
	4.8 Interest income				

4.9	Dividend income				
4.10	Short Term / Long Term Capital gains				
4.11	Tax refund (including IT, Central Excise, ST, Customs, VAT, Sales Tax, etc)				
4.12	TDS received in previous year related to bills paid in current year (related to taxable services)				
4.13	Receipt of re-imburement of expenses incurred as a pure agent (related to taxable services)				
4.14	Bad debts related to taxable services written off				
4.15	Advance payments adjusted on which S.T. paid in previous year(s)				
4.16	Adjustment for Previous year in respect of bills raised to Associated Enterprises [Section 65(7b)]				
4.17	Others deductions (specify):				

Signature of the Taxpayer / Representative

FOOT NOTES:

- 1 Export of services..... :
- 2 Exempted service income (excluding non taxable services)..... :
- 3 Non-taxable service income..... :
- 4 Abatement claimed..... :
- 5 Cash basis accounting system..... :

Please furnish here details as to under which category exports fall, as well as what conditions have been fulfilled

Please furnish here Exemption Notification No. and date. If the exemption is conditional, please comment as to fulfilment of such conditions

Please furnish details of each type of non-taxable service(s) and offer comment(s) as to non-taxability

Please indicate Notification No. and date

In the case of cash basis accounting system, Opening Debtors and Closing Debtors to be taken as zero

S.No.	Explanations:	
1	Gross receivable/ income as per all income ledgers (Credit side):	The Gross receivable/ income consists of all the income receivable by the service provider and shown in the income ledger. Some entries of the income ledger should be checked with journal entries, vouchers and invoices at the time of walk through. In case of discrepancies all the entries should be checked with invoices.
1.1, 2.1	Service Tax charged, if not included in Ledgers' receipt/ income in Annual Report/ Trial balance	If Service tax charged is not included in the income ledger then the same should be added to get the Gross Receipts as per Ledgers inclusive of Service Tax
3.1, 4.1	Opening/ Closing balance of debtors (Taxable Services related)	Adjustment for opening and closing balance of debtors has to be made in case the Service provider is following accounting on Mercantile basis. In cases of Cash basis of accounting, it should be nil

3.5	Receipt of re-imbusement of expense (other than as a pure agent)	Any reimbursement in any form is to be added to the Gross Income except the reimbursements received as pure agent
3.6	Withheld retention money released by clients	Some times on the basis of a contract or otherwise the customer withholds a part of the money which is paid after satisfactory completion of the Service. This money could be in the form of retention money, caution money etc. Any such receipt must be added in the Gross income.
4.13	Receipt of re-imbusement of expenses incurred as a pure agent	Reimbursements received as pure agent are deductible from the Gross income receipts

B. Réconciliation Questionnaire data for GTA (Expenditure):

Period covered for audit..... :

Data for Reconciliation of year-wise expenditure incurred by the recipient of services towards transportation of goods by road (GTA), as shown in the Annual Financial Accounts/ Ledgers:

Type of Accounting..... **Mercantile /Cash**

Sr.No.	Particulars		(YEAR)	(YEAR)	Source of data as shown in the col.-2
1	2		3	4	5
1	1.1	Gross expenditure towards transportation of goods by road (expenditure ledger debit side)			
	1.2	Transportation charges capitalised			
	1.3	Amount of entries reversed / credited for expenditure booked. (i.e. Services not received)			
2	2.1	Opening creditors (Relating to taxable GTA service)			
	2.2	Opening provisions for GTA expenditure			
	2.3	Creditors related to GTA service earlier written off and now written back			
	2.4	Any Other Additions (please specify)			
3	3.1	Closing creditors (Relating to taxable GTA service)			
	3.2	Closing provisions for GTA expenditure			
	3.3	Transportation expenses, if any, on which ST paid by transporters			
	3.4	Creditors related to GTA service, written off			
	3.5	Freight expenses for exempted GTA service (Notification No.33/2004)			
	3.6	Freight expenses for exempted GTA service (Notification No. 34/2004)			
	3.7	Any Other Deductions (please specify)			
5	Abatement admissible (----%) Notification No.13/2008, dated 1.3.2008				

FOOT NOTES:

1 Cash basis accounting system..... :

In the case of cash basis accounting system, opening creditors, closing creditors and opening provisions, closing provisions to be taken as zero.

Signature of the Taxpayer / Representative

(C) Reconciliation Questionnaire data for Expenditure other than GTA:

Name of the Assessee being audited..... :

Service Tax Registration No..... :

Period covered for audit..... :

Type of Accounting..... **Mercantile /Cash****Data for Reconciliation of year-wise expenditure by recipient of specified service other than GTA, as shown in the Annual Financial Accounts:**

Sr.No.	Particulars	Year	Year	Source of data as shown in the col.-2	
1	2	3	4	8	
1	1.1	Gross expenditure on the services received from abroad as per Taxation of Services (Provided from Outside India and Received in India) Rules, 2006 (expenditure ledger debit side)			
	1.2	Gross expenditure in case of service provided by insurance agent			
	1.3	Gross expenditure for receipt of business auxiliary service of distribution of mutual fund by a mutual fund distributor or an agent			
	1.4	Gross expenditure for receipt of sponsorship service by a body corporate or firm			
	1.5	Amount of entries reversed / credited other than related to expenditure			
	Gross expenditure for services mentioned in 1 above as shown in Annual Report / Trial Balance				
2					
	2.1	Opening Creditors for services mentioned in 1 above.			
	2.2	Opening provisions for services mentioned in 1 above			
	2.3	TDS/ Withholding tax, if any, paid on behalf of the service provider			
	2.4	Outstanding amount in respect of bills raised to Associated Enterprises [Section 65(7b)]			
	2.5	Other additions, if any (Please specify)			
3					
	3.1	Closing Creditors relating to services mentioned in 1 above			
	3.2	Closing provisions for services mentioned in 1 above			

	3.3 Expenditure made against non-taxable service (Please specify)			
	3.4 Expenditure made against exempted services (Please specify)			
	3.5 Adjustment for Previous year in respect of bills raised to Associated Enterprises [Section 65(7b)]			
	3.6 Other deductions from expenditure (Please specify)			
7	Abatement admissible, if any (---- %) Notification No. & date			

FOOT NOTES:

1 Cash basis accounting system..... :

In the case of cash basis accounting system, opening creditors, closing creditors and opening provisions, closing provisions to be taken as zero.

Yours faithfully,

Date: _____

Place: _____

(Signature of CEO / Director / Authorised signatory)

_____ (Name & Designation)

M/s _____

I, Mr / Ms _____ (name), _____ (designation), working in M/s _____, address _____, do hereby solemnly affirm that whatever is stated above is true to the best of my knowledge and belief and nothing has been concealed therein.

(Signature of CEO / Director / Authorised signatory)

_____ (Name & Designation)

