

केन्द्रीयकरउपायुक्तकार्यालय,सिकंदराबादमालएवमसेवाकरमण्डल,सिकंदराबाद

मालएवमसेवाकरआयुक्तालय।

OFFICE OF THE DEPUTY COMMISSIONER OF CENTRAL
TAX, SECUNDERABAD GST DIVISION, SECUNDERABAD GST
COMMISSIONERATE

Address: SALIKE SENATE, D.No: 2-4-416 & 417, RAMGOPALPET,
M.G. ROAD, SECUNDERABAD- 500 003

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

सी .नं. C.No: IV/16/41/2019-R.T.I. दिनांकDated:-07.01.2020

Order No.41/2019

**Passed by Sri P.M. YASHWANTH, DEPUTY COMMISSIONER
SECUNDERABAD DIVISION, SECUNDERABADCOMMISSIONERATE**
प्रस्तावना PREAMBLE

सूचना का अधिकार अधिनियम, 2005 की धारा 7 (8) के तहत, यदि आवेदक इस आदेश से व्यथित होता है, तो अपीलीय प्राधिकारी यानी संयुक्त आयुक्त, केन्द्रीयकर, सिकंदराबाद आयुक्तालय, कमरा नंबर 525, चौथी मंजिल, जीएसटी भवन, हैदराबाद- 500004 के समक्ष इस आदेश की प्राप्ति की तारीख से 30 दिनों के भीतर अपील कर सकता है।

Under Section 7(8) of the Right to Information Act, 2005 the applicant, if aggrieved by this order, can prefer an appeal to the appellate authority i.e. Joint Commissioner, Central Tax, Secunderabad Commissionerate, Room No. 525, 4th Floor, GST Bhavan, Basheerbagh, Hyderabad- 500 004 within 30 days from the date of receipt of this order.

Sub:- RTI Act, 2005- Application received on 11.12.2019 filed by Shri.M. A.
Lateef- Submission of information-Reg.

विषय:- आर. टी. आइ. एक्ट, २००५- श्री एम. ए. लतीफ द्वारा प्रेषित आवेदन ११.१२.२०१९ को प्राप्त हुआ- सूचनाप्रसूत- के संबंध में।

Please refer to your RTI Act, 2005 - application dated 09.12.2019received in this office on 11.12.2019, wherein certain information was called for regarding SCN No. /OR No.161/2014 ST-ADJN-Commr dated 26.09.2014.

In this connection, it is hereby informed that the issue is pending before CESTAT. Hence the matter is subjudice. The information requested can not be provided.

2020-52/20

(पी.एम.यशवंत/ P.M. YASHWANTH)

उपायुक्त/Deputy Commissioner

सिकंदराबाद मण्डल/ Secunderabad Division

सिकंदराबाद जी एस टी मण्डल
Secunderabad GST Division

To,

1. Shri. M.A. Lateef, Flat No. 403, Classic Mustafa Tower, Feelkhana Lane, Old Mallepally, Nampally, Hyderabad-500001

2. Copy to the Assistant Commissioner (CPIO), Head Quarters, Secunderabad CGST Commissionerate, GST Bhavan, Basheerbagh, Hyderabad-500004.

**MEMORANDUM OF APPEAL TO THE FIRST APPELLATE AUTHORITY
UNDER SECTION 19(1) OF THE RIGHT TO INFORMATION ACT.**

Name & Address of the Appellate Authority:

To
The Joint Commissioner
Central Tax Secunderabad Commissionerate
Room No.525, 4th Floor, GST Bhavan
Basheerbagh Hyderabad-500004.

Name & Address of the Applicant:

M.A.Lateef
Flat No.403, Classic Mustafa Tower,
Feelkhana Lane, Old Mallepally,
Nampally Hyderabad-500001.



BEFORE THE FIRST APPELLATE AUTHORITY:

1. Full Name of the Appellant : M.A.Lateef
Flat No.403, Classic Mustafa Tower,
Feelkhana Lane, Old Mallepally,
Nampally Hyderabad-500001.
2. Particulars of the Public Information
Officer : The Assistant Commissioner Secunderabad
Division, Secunderabad GST Commissionerate
Secunderabad.
3. Date of receipt of the Order appealed
Against : 15-01-2020
4. Last date for filing the appeal : 14-02-2020 (within 30 days from the receipt of
The order)
5. Particulars of the information requested :
A) Nature & subject of information required
Details of bifurcation of amounts received towards sale deed and agreement of
construction as per your records for the residential complex known as Mayflower
Height developed by M/s Alphine Estates vide Service tax registration Number
AANFA5250FST001 for the period July 2012 to March 2014.
- B) Name of the office to which the information relates : Revenue Department.

6. Grounds of Appeal:

The appellant filed an application under RTI Act before the Assistant Commissioner Secunderabad Division Secunderabad GST Commissionerate on 11-12-2019 to obtain certain information for the residential complex known as Mayflower Heights developed by M/s Alphine Estates vide Service tax registration Number A/AN/A5250FST001 with regard to service tax details. The same is inward in the department copy enclosed.

It is submitted that on 15-01-2020 the appellant received an order through post vide order No.41/2019 dated 07-01-2020 passed by the Assistant Commissioner Secunderabad Division Secunderabad GST Commissionerate stating that the above issue is subjudice the requested information cannot be provided. It is pertinent to mention here that the calculations made by the department based on the information provided by my client to the department.

It is further submitted that the department has demanded the payment of service tax only on the value of agreement of construction after excluding the value mentioned in the sale deeds. The matter is pending before the Honble CESTAT. The essential dispute is regarding exclusion the value of the sale deeds from the revenue/receipts of the firm. It is the contention of the department that the value of the sale deed has already been excluded while raising demand for payment of service tax in the SCN. However my client have not been provided any such details of the total value of amounts received towards the sale deeds that were computed by the department. The SCN has been issued and my client are well within a right to demand information/calculation that are made by the department based on which demand was raised. It is submitted that the appellant is entitled to receive the information and is ready to pay the charges if any.

Therefore it is prayed before the appellate authority to provide the information and take all necessary steps and pass such other order or orders as this authority deems fit and proper in the circumstances of the case.

7. Documents enclosed :

- a) Copy of the RTI Application dated 9-12-2019 filed before the Assistant Commissioner Secunderabad Division Secunderabad GST Commissionerate
- b) Copy of Order No.41/2019 dated 7-1-2020 passed by Sri P.M. Yashwanth
Deputy Commissioner.

VERIFICATION

I M.A.Lateef S/o M.A.Sattar Occ: Advocate R/o Hyderabad do hereby declare that the particulars furnished in the appeal are true to the best of my knowledge and belief and we i have not suppressed the material fact.

Date: 23-01-2020
Place: Hyderabad

APPELLANT
(M.A.Lateef)

