

AAO NO 36452

GOVERNMENT OF ANDHRA PRADESH
COMMERCIAL TAXES DEPARTMENT

ASSESSMENT OF VALUE ADDED TAX



FORM VAT 305

Date Month Year
30 07 2012

01. Tax Office Address:
CTO, S.D. Road circle
R.S. Brothers, 4th floor
Ameerpet, Hyderabad.

02. TIN 2 8 6 3 5 0 8 6 0 4 5

03. Name: M/s. ALPINE ESTATES

ADDRESS: 5-4-187/3, MG ROAD, SECUNDERABD .

Upon Examination of your records on 27-06-2012 and the issue of Form VAT 305A dt:21-07-2012 served on 23-07-2012 the correct amount of VAT under the provisions of APVAT Act 2005 has been determined as follows.

*This has resulted from:-

1. Your reply dt. 28-07-2012 filed in this office on 28-07-2012
2. Deputy Commissioner(CT) Begumpet Division, Authorisation of assessment Dt: 21-07-2012

The total amount payable by you is explained below..

Tax Period	Particulars (input tax/ Output tax)	Tax Declared/ Net credit Or Refund Claimed	Tax Found To be due/	Tax over Declared Due to dealer	Tax under Declared Due to Dept.	Total Due To Tax Department
February 2009 to March 2012	Output tax				11,362	11,362

Total amount due to Tax Department

Rs.11362-00

Explanation for the above proposals.

A notice in Form VAT 304 dated 21.05.2012 was issued to them on the authorization of DC (CT) Begumpet Division requesting to produce all their VAT records and business accounts. They are registered dealers under the provisions of AP VAT Act and assesses on the rolls of CTO M.G Road circle. They are Developers of Residential Apartments w.e.f. 1-2-2009. They are paying tax under the provisions of 4 (7) (d) of AP VAT Act 2005. Sri M.Jaya PRakash, Manager, Finance & Accounts, of the firm was present at the time of visit and requested time for production of books of accounts.

Subsequently they have produced following books of accounts on 30-6-2012 as under:

- 1 Copies of VAT returns
- 2 VAT payment particulars
- 3 Purchase ledgers along with TIN Nos.
- 4 Balance sheets and P & L Accounts for 2008-09 to 2010-11
- 5 Purchase ledgers (material wise) from 2008 to 2012
- 6 Customers ledgers from 2008 to 2012
- 7 Details of purchases made from non-VAT dealers.

The books of accounts produced were verified and found the following discrepancies.

1. They have made purchases of building material from non-VAT dealers and not paid the differential tax under clause (e) of sub-section (7) of Section (4), of AP VAT Act 2005. The clause (e) of sub-section (7) of section 4 reads as under:

“ Any dealer having opted for composition under [clauses (b) or (c) or (d)], purchases or receives any goods from outside the state or India or from any dealer other than a VAT dealer in the State and uses such goods in the execution of the works contracts, such dealer shall pay tax on such goods at the rates applicable to them under the Act and the value of such goods shall be excluded [from the total turnover] for the purpose of computation of turnover on which tax by way of composition at the rate of four percent (4%) is payable.”

The differential taxes payable by the dealers under the above provision is worked out as under:

a) For the year 2009-10

Non-VAT Purchase Turnovers taxable @ 4%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.4950 =00	Rs.198=00	Rs. 49=00	Rs. 149=00

Non-VAT Purchase Turnovers taxable @ 14.5%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.13161=00	Rs.1908=00	Rs. 131=00	Rs.1777 =00

b) For the year 2010-11

Non-VAT Purchase Turnovers taxable @ 4%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.54545 =00	Rs.2182=00	Rs. 545=00	Rs. 1637=00

Non-VAT Purchase Turnovers taxable @ 14.5%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.53479=00	Rs.7754=00	Rs. 535=00	Rs.7219=00

c) For the year 2011-12

Non-VAT Purchase Turnovers taxable @ 4%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.4010 =00	Rs.160=00	Rs. 40=00	Rs. 120=00

Non-VAT Purchase Turnovers taxable @ 14.5%	Tax due	(-Less)Tax paid @ 1%	Balance payable
Rs.3410=00	Rs.494=00	Rs. 34=00	Rs.460=00

Tax proposed to levy on non-VAT purchases for the above tax period **Rs. 11,362=00**

In view of the above, their assessment for the tax period from Feb 2009 to March 2012 is proposed to be completed under the provisions of the AP VAT Act 2005 as under:

Tax proposed to levy on non-VAT
Purchases for the above tax period

Rs. 11,362=00

Accordingly a Show Cause Notice in Form VAT 305A dated 21-07-2012 was issued to them proposing to complete the final assessment providing reasonable opportunity of (7) days to file their written objections if any. The 305A dt: 21-07-2012 was acknowledged by the dealers on 23-07-2012.

In response to the notice in form VAT 305 A dt. 21-7-2012, they have filed a letter dt. 28-7-2012 and admitted the tax liability of Rs. 11,362=00. They have paid the tax by way of cheque as detailed below:

Cheq.No.	Date	Name of the Bank	Amt.Rs.
623221	28-07-2012	HDFC BANK	11,362=00

In view of the above, their assessment for the tax period from Feb. 2009 to March'2012 is completed levying the tax of **Rs.11,362-00** as proposed in the VAT 305A dt:21-7-2012 under the provisions of the APVAT Act 2005.

From the foregoing it indicates that the dealer has committed an offence under the provisions of APVAT Act,2005 and the penalty proceeding as per the provisions of APVAT Act will be issued separately.

* A the amount of **Rs. -NIL--** shall be paid within 30 days of receipt of this order. Failure to make the payment will result in recovery proceedings under the APVAT Act 2005.

THE PROOF OF PAYMENT OF THE AMOUNT SPECIFIED AT 'A' ABOVE TOGETHER WITH DUPLICATE COPY OF THIS ORDER AND PAYMENT BOXES COMPLETED SHALL BE SUBMITTED WITHIN THE SPECIFIED TIME LIMIT.

An appeal against this order can be filed before the Appellate Dy.Commissioner (CT) Punjagutta within 30 days of receipt of this order


**DY COMMERCIAL TAX OFFICER,
S.D.ROAD CIRCLE, HYDERABAD**