MODI PROPERTIES & INV. PVT. LTD. SEC'BAD INWARD No. 181 Date 14/06/16 Sign

OFFICE OF THE COMMISSIONER OF AUDIT
HYDERABAD AUDIT COMMISSIONERATE : : L.B.STADIUM ROAD
BASHEER BAGH :: HYDERABAD-500 004

C.No. V/ST/54/28/2015-16/STA-Gr.54 दिनांक Date:17 .06.2016

अनुलग्नक ANNEXURE – X

अंतिम लेखा परीक्षा रिपोर्ट सं॰ Final Audit Report No. 5 /2016-17

भाग – I Part – I

1.	कर दाता का नाम व पता (द्विभाषी) Name & Address of the Taxpayer	मैसर्स M/s. Vista Homes, Soham Mansion, 5-4-187/ 3 and 4, 2nd floor, M.G.Road, Ranigunj, Secunderabad.
2.	मुख्य कार्यालय, क्षेत्रीय/शाखा कार्यालय आदि Head Office, Regional/Branch offices etc	मैसर्स M/s. Vista Homes, Soham Mansion, 5-4-187/ 3 and 4, 2nd floor, M.G.Road, Ranigunj, Secunderabad
3.	कर दाता की स्थिति Status of the taxpayer	Between 25 Lakhs to 1 Crore
4.	अधिकारक्षेत्र आयुक्तालय/मण्डल/रेंज Jurisdictional Commissionerate / Division / Range रेंज के अधीक्षक/ निरीक्षक का नाम Name of the Range Superintendent / Inspector	Service Tax Commissionerate, Division-III Service Tax Range –III-B, सर्व/ श्री S/Smt.M.Padma, Superintendent.
	दी गई / प्राप्त करयोग्य सेवाओं के नाम (रिवर्स चार्ज मकेनिज़्म के अंतर्गत सेवा कर का नगद भुगतान) Name of taxable services provided / received (in case of payment of service tax under reverse charge mechanism)	a) Construction of Residential Complex, b) Works Contract Service.
6.	एसटीसी सं व जारी करने की तिथि STC No. & Date of Issue	AAGFV2068PSD001 dt. 26.04.2013
7.	अगर छूट का दावा किया गया है तो उसकी छूट अधिसूचना सं और प्रभावी तिथि तथा उसका सार Exemption Notification No. and its effective date along with gist of exemption notification in case exemption is claimed	Abatement Notfn. No.26/2012 dt.26.06.2012 as amended.
8.	अंतिम लेखा परीक्षा की तिथि Date of last audit	First Audit

9.	अवधि जिसके लिए वर्तमान लेखा परीक्षा की गई Period for which current Audit undertaken	2013-14 to 2014-15
10.	लेखा परीक्षा की तारीखें Dates on which audit undertaken	26.04.2016, 27.4.2016
11.	लेखा परीक्षकों के नाम Names of the Auditors	सर्वश्री / श्री S/Shri 1. Ch Ramana Rao, Superintendent 2. B.Syed Ahammad, Superintendent 3. Abhilasha Bisht, Inspector
12.	अपुष्टिकृत मांग, यदि कोई Unconfirmed demand, if any	NIL
13.	पुष्टिकृत मांग, यदि कोई Confirmed demand, if any	NIL
14.	दायर अपील, यदि कोई- (i) विभाग द्वारा (ii) करदाता द्वारा Appeal filed, if any - (i) by Department, (ii)by Taxpayer	NA
15.	वर्तमान लेखा परीक्षा अवधि के दौरान भुगतान किया गया कर, ब्याज और दंड (रिर्वस चार्ज मेथड के अंतर्गत सहित) Tax, Interest and penalty paid during the current audit period (including amount under reverse charge method)	2013-14: 19,72,145/- 2014-15: 31,80,832/-
16.	राजस्व पैराओं की सं. No. of Revenue Paras	04 (Four)
17.	प्रक्रियात्मक पैराओं की सं. No. of procedural Paras	NIL
18.	लेखा परीक्षा पैराओं में शामिल कुल राजस्व Total Revenue involved in audit paras	**Rs.7,64,485/-**

लेखा परीक्षा के परिणाम का सारांश SUMMARY OF AUDIT RESULTS

[लेखा परीक्षा के दौरान चिन्हित महत्वपूर्ण व ठोस गैर अनुपालना मामलों की रूपरेखा प्रदान करें]

[PROVIDE AN OUTLINE OF IMPORTANT AND MATERIAL NON COMPLIANCE ISSUES IDENTIFIED DURING THE AUDIT]

महत्वपूर्ण व ठोस गैर अनुपालना के चिन्हित किए गए मामले और उनपर करदातों की प्रतिक्रिया निम्न सारणी में दी गई है ।

The important and material non compliance issues identified and reaction of the tax payer is indicated in the table given below:-

ऑडिट पैरा नं. Audit Para No.	ऑडिट बिन्दुओं के प्रकार उनके कोड सहित Type of Audit points with their codes(As per Anx.X I of ST Audit Manual)	आपत्तियों का सार Gist of objections Attested write-up/workings may be enclosed if warranted	राजस्व आलिप्तता, यदि कोई (रु. में) Revenue Implications, If any(in Rs.)	करदाता की सहमति हाँ/नहीं, यदि असहमति का कोई कारण न हो तो Tax payer's Agreement Yes/No, If no reasons for disagreement	विभाग का निष्कर्ष कारण सहित Department's conclusion with reasons; MMC date & decision
1	ST - CSR99	Para 1: Non-payment of Late Filing Fees on delay in filing of ST-3 Returns for the period from April, 2013 to September, 2013, October, 2013 to March, 2014 and October, 2014 to March, 2015: Late Fees Rs.6,800/-.	Late Fees of Rs.6,800/-	Agreed and sought time to pay	Admitted
2	ST - SSR041	Para 2 : Irregular availment of Input Service Tax Credit on ineligible services during the month of December, 2014 to March, 2015 – Irregular Credit involved Rs.39,532/-.	Irregular credit Rs.39,532/- along with interest and penalty.	Agreed and sought time to pay.	Admitted.
3	ST - CSR99	Para 3 : Non-payment of interest on delayed payment of Service Tax for the period from 2013-14 to 2014-15 – Interest involved Rs.1,14,351/-.	Interest amount of Rs.1,14,351	Agreed and sought time to pay	Admitted
4	ST - CSR99	Para 4 : Short payment of Service Tax for the period from January, 2015 to March,	Service Tax of Rs.6,03,802/- along with interest.	Agreed and sought time to pay	Admitted

		2015 as per the ST-3 Return for the period from October, 2014 to March, 2015 – Service Tax involved Rs.6,03,802/-.			
शामिल कुल राजस्व **Total Revenue Involved**			**Rs.7,64,485/-**		

Para 1: Non-payment of Late Filing Fees on delay in filing of ST-3 Returns for the period from April, 2013 to September, 2013, October, 2013 to March, 2014 and October, 2014 to March, 2015: Late Fees Rs.6,800/-.

During the course of Audit and on verification of ST-3 Returns for the period from from April, 2013 to September, 2013, October, 2013 to March, 2014 and October, 2014 to March, 2015, it is noticed that the assessee has filed the ST-3 Return belatedly and the late fee is to be recovered as mentioned below.

Period	**Due date of filing of ST-3 Returns**	**Actual date of filing of ST-3 Returns**	**Number of days delayed**	**Late Fees already paid (In Rs.)**	**Late fee payable (In Rs.)**
April, 2013 to September, 2013	25.10.2013	07.12.2013	43	0	2300
October, 2013 to March, 2014	25.04.2014	19.07.2014	85	2500	4000
October, 2014 to March, 2015	25.04.2015	09.06.2015	45	2000	500
			TOTAL	**4500**	**6800**

On being pointed out the assessee has agreed to the objection and promised to the pay same shortly.

The para is admitted in the MMCM dtd 10.05.2016 as per the minutes communicated vide File C.No. V/30/19/2014-15-MIS-II dtd 16.05.2016.

Para 2 : Irregular availment of Input Service Tax Credit on ineligible services during the month of December, 2014 to March, 2015 – Irregular Credit involved Rs.39,532/-.

During the course of Audit and on verification of Input Service Tax Credit records for the month of December, 2014 to March, 2015, it is noticed that the assessee has availed/utilised input service tax credit on the invoices issued after obtaining Occupancy Certificate issued on 31.01.2015. These services are not eligible for availement of Input Service Tax Credit in terms of Rule 3 of Cenvat Credit Rules, 2004. The irregular Input Service Tax Credit is worked out to Rs.39,532/- (S.Tax Rs.38,384/-, Ed.Cess Rs.767/- and S.H.Ed.Cess Rs.381/-). The details of ineligible input service tax credit are furnished in the **Annexure** enclosed.

In view of the above, the irregular Input Service Tax Credit utilized during the said period is worked out to Rs.39,532/- and the same is to be recovered along with interest and penalty.

On being pointed out the assessee has agreed to the objection and promised to the pay same shortly.

The para is admitted in the MMCM dtd 10.05.2016 as per the minutes communicated vide File C.No. V/30/19/2014-15-MIS-II dtd 16.05.2016.

Para 3 : Short-payment of interest on delayed payment of Service Tax for the period from 2013-14 to 2014-15 – Interest involved Rs.1,14,351/-.

During the course of Audit and on verification of payment of Service Tax for the period from 2013-14 to 2014-15, it is noticed that the assessee has paid Service Tax payable through GAR-7 Challans beyond due dates resulting in short payment of interest on delayed payment of Service Tax and the details are furnished in the enclosed **Annexure**.

In view of the above, the differential interest payable during the above mentioned period is worked out to Rs.1,14,351/- is to be recovered.

On being pointed out the assessee has agreed to the objection and promised to the pay same shortly.

The para is admitted in the MMCM dtd 10.05.2016 as per the minutes communicated vide File C.No. V/30/19/2014-15-MIS-II dtd 16.05.2016.

Para 4 : Short payment of Service Tax for the period from January, 2015 to March, 2015 as per the ST-3 Return for the period from October, 2014 to March, 2015 – Service Tax involved Rs.6,03,802/-.

During the course of Audit and on verification of payment of Service Tax for the period from January, 2015 to March, 2015, it is noticed that the assessee has short paid Service Tax of Rs.6,03,802/- (Rs.5,86,216/- towards ST, Rs.11,724/- towards Ed.Cess and Rs.5,862/- towards S.H.Ed.Cess) as per the ST-3 Return for the period from October, 2014 to March, 2015 and the details of short payment of Service tax is also not shown in the subsequent ST-3 Return for the period from April, 2015 to September, 2015. On being pointed out the assessee could not produce the proof of payment of Service Tax.

In view of the above, the short paid Service Tax of Rs.6,03,802/- for the above mentioned period is required to be recovered along with interest as the assessee has declared in the ST-3 Return for the period from October, 2014 to March, 2015.

On being pointed out the assessee has agreed to the objection and promised to the pay same shortly.

The para is admitted in the MMCM dtd 10.05.2016 as per the minutes communicated vide File C.No. V/30/19/2014-15-MIS-II dtd 16.05.2016.

PROCEDURAL PARAS/ADVISORY NOTES - NIL.

Advisory Note: NIL

कर अनुपालना में सुधार के लिए सुझाव

Suggestions to improve tax compliance: NIL.

S Prasada Rao

(S.Prasada Rao)
Assistant Commissioner (Audit)
Circle-V