

M.RAMACHANDRA MURTHY  
CHARTERED ACCOUNTANT

Flat No.303, ASHOKA SCINTILLA  
H.No.3-6-520, Opp. To Malbar Gold Show Room  
Himayathnagar Main Road,  
Hyderabad -500 029  
Tel.:040-40248935 / 36

To,  
The Appellate Dy. Commissioner (CT)  
Punjagutta Division,  
Hyderabad.

Date:16/01/2019

Sir,

Sub: Appeal filed in the case of M/s. Summit Builders, M.G. Road, Secunderabad.  
For the years 2013-14 to 2017-18 (upto June'2017)/VAT - Reg.

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Please find enclosed herewith the following appeal papers:

1. Form -APP 400 2 copies.
2. Grounds of Appeal 2 copies.
4. Challan bearing No.1900026803 dt.12/01/2019 for Rs.1000/- towards appeal fees.
5. Assessment order in Form VAT 305 dated 17/12/2018 passed by Commercial Tax Officer, M.G. Road- S.D. Road Circle, Hyderabad (in original) along with xerox copy.
6. Copy of e-payment challan nos.1900026787 dt.12/01/2019 of Rs.40,255 and 190026798 dt.12/01/2018 of Rs.44,892/- relating to proof of payment of 12.5% disputed tax.
7. Form -APP 406
8. Form -APP 400A
9. Form -565 (Authorization).

Kindly acknowledge receipt of the above documents and post the appeal for hearing.

Thanking you,

Yours sincerely,

M.Ramachandra Murthy,  
Chartered Accountant.



**FORM APP 400**  
**FORM OF APPEAL UNDER SECTION 31**

[See Rule 38(2)(a)]

1. Appeal Office Address : The Appellate Dy. Commissioner (CT)  
Punjagutta Division, Hyderabad
2. TIN/GRN : 36790571789
3. Name & Address : M/s.Summit Builders,  
D.No.5-4-187/3&4, Soham Mansion,  
M.G. Road, Secunderabad – 500 003.
4. I wish to appeal the following decision /  
assessment received from the tax office on : 20/12/2018
5. Date of filing of appeal : /01/2019
6. Reasons for delay (if applicable enclose a  
separate sheet : Not Applicable
7. Tax Period / Tax Periods : 2013-14 to 2017-18 (upto June'2017)/VAT
8. Tax Office decision / assessment Order No. : Assessment of Value Added Tax  
in Form VAT 305 order dt.17/12/2018 passed  
by Commercial Tax Officer,  
M.G. Road – S.D. Road Circle,  
Hyderabad.
9. Grounds of the appeal (use separate sheet  
if space is insufficient : Separately Enclosed
10. If turnover is disputed
  - a) Disputed turnover : NIL
  - b) Tax on the disputed turnover : Rs.6,81,171/-

If rate of tax is disputed

  - a) Turnover involved : NIL
  - b) Amount of tax disputed : NIL
11. 12.5% of the above disputed tax paid : Rs.85,147/-

**Note:** Any other relief claimed : Other grounds that may be urged at the  
time of hearing.

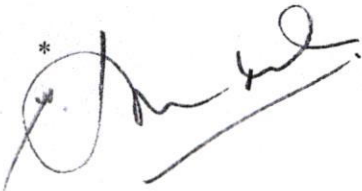
(The payment particulars are to be enclosed if ready paid along with the reasons on Form APP 400A)

12. Payment Details:

|                            |   |       |
|----------------------------|---|-------|
| a)Challan / Instrument No. | : |       |
| b)Date                     | : |       |
| c)Bank / Treasury          | : | ----- |
| d)Branch Code              | : | ----- |
| e)Amount                   | : | _____ |
|                            |   | ----- |
| <b>TOTAL</b>               | : | _____ |

**Declaration:**

I, \_\_\_\_\_ hereby declare that the information provided on this form to the best of my knowledge is true and accurate.

\* 

Signature of the Appellant & Stamp

Date of declaration

Name :  
Designation :

Please Note: A false declaration is an offence.

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**APPLICATION FOR STAY OF COLLECTION OF DISPUTED TAX**

[Under Section 31(2) &amp; 33(6)] [See Rule 39(1) ]

Date Month Year

01. Appeal Office Address:

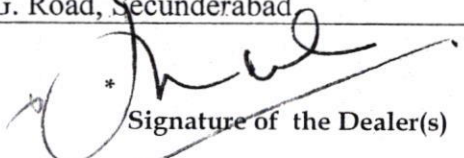
To,  
The Appellate Deputy Commissioner (CT)  
Punjagutta Division,  
Hyderabad

|  |    |      |
|--|----|------|
|  | 01 | 2019 |
|--|----|------|

|    |     |             |
|----|-----|-------------|
| 02 | TIN | 36790571789 |
|----|-----|-------------|

03. Name M/s. Summit Builders,  
Address: D.No.5-4-187/3&4, Soham Mansion,  
M.G. Road, Secunderabad.

|     |                                                                   |                                                                                                                                                     |
|-----|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| 04. | Tax period                                                        | 2013-14 to 2017-18 (upto June'2017)/VAT                                                                                                             |
| 05. | Authority passing the order or proceeding disputed.               | Assessment of Value Added Tax in Form VAT 305 order dt.17/12/2018 passed by<br>Commercial Tax Officer,<br>M.G. Road-S.D. Road Circle, Secunderabad. |
| 06  | Date on which the order or proceeding was Communicated.           | 20/12/2018                                                                                                                                          |
| 07. | (1) (a) Tax assessed                                              | Rs.6,81,171/-                                                                                                                                       |
|     | (b) Tax disputed                                                  | Rs.6,81,171/-                                                                                                                                       |
|     | (2) Penalty / Interest disputed                                   | NIL                                                                                                                                                 |
| 08  | Amount for which stay is being sought                             | Rs.6,81,171/-                                                                                                                                       |
| 09. | Address to which the communications may be sent to the applicant. | M/s. Summit Builders,<br>D.No.5-4-187/3&4, Soham Mansion,<br>M.G. Road, Secunderabad                                                                |

\*   
Signature of the Dealer(s)

Signature of the Authorised Representatives if any

### 10. GROUNDS OF STAY

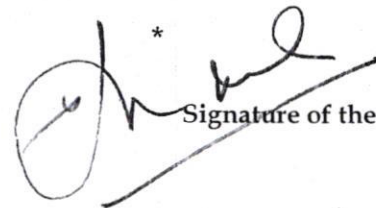
- 1.) Substantial question of facts and law that may arise in the appeal.
- 2.) The appellant will be hard hit if it is called upon to pay this heavy amount of tax pending disposal of the appeal.
- 3.) The grounds that are stated in the main appeal may kindly be read as grounds of this appeal.

Hence it is just and necessary that the Appellate Dy. Commissioner (CT) may be pleased to grant stay of collection of the disputed tax of Rs.6,81,171/- pending disposal of the appeal.

### VERIFICATION

I \_\_\_\_\_ applicant (s) do hereby declare that  
what is stated above is true to the best of my / our knowledge and belief.

Verified today the \_\_\_\_\_ day of January'2019

  
Signature of the Dealer(s)

Signature of the Authorised Representatives if any

**SUMMIT BUILDERS,  
MG ROAD, SECUNDERABAD.**

**Tax Period 2013-14 to 2017-18 (upto June, 2017) /VAT**

**Statement of Fact:**

1. Appellant is a dealer engaged in the business of execution of works contracts and is an assessee on the rolls of the CTO, MG Road Circle, Hyderabad (for short CTO), with TIN No 36790571789. Appellant is in the business of constructing and selling independent houses, apartments etc., paying tax under Section 4 (7) (a) of the APVAT Act, 2005 (hereinafter referred to as Act) under Non-composition scheme.
2. The Commercial Tax Officer, M.G.Road Circle, Begumpet Division (herein after called as CTO) has issued Notice in form VAT 305A dated 14-09-2018 proposing output tax of Rs. 6,81,171/- for the period 2013-14, 2014-15 and 2015-16.
3. The CTO has issued a personal hearing notice, dated 19.03.2012 to the appellant asking to appear before him or file written objections with documentary evidences on or before 22-03-2012. The above said personal hearing notice was received by the appellant on 22-03-2012.
4. Appellant has filed a letter dated 24-10-2018 to CTO requesting 15 days time to file written objections, as the person who is incharge of finance department has resigned from the organization. The CTO has also not provided any opportunity of personal hearing.
5. Without providing an opportunity of personal hearing to the appellant learned CTO has issued FORM VAT 305 (Assessment of Value Added Tax) dated 17-12-2018.
6. Aggrieved by such order, appellant prefers this appeal on the following grounds, amongst others:-

**Grounds of appeal:**

- a. The impugned assessment order is highly illegal, arbitrary, unjustifiable and contrary to facts and law.
- b. Appellant submits that it is engaged in the business of constructing and selling independent houses, apartments etc., paying tax under Section 4 (7) (a) of the APVAT Act, 2005.
- c. Claiming authorization from the DC (CT), Begumpet division the CTO verified the books of accounts produced by the appellant for the years 2013-14, 2014-15, 2015-16, 2016-17 and 2017-18 (upto June, 2017) and recorded the yearwise exempt purchases, 1% purchases, 5% and 14.5% purchases for each year separately as construction expenses as per the returns and as per books of accounts. The CTO has also recorded the contractual receipts as per the returns and as per books of accounts for each separately.
- d. The CTO has also stated that the appellant is paying taxes @14.5% on the total receipts after deducting the standard deductions @30%. The CTO has thus levied a tax of Rs. 11,32,994/-, 6,63,742/- and Rs. 59,173/- for the years 2013-14, 2014-15 and 2015-16 respectively. After deducting the tax payments made in these years by the appellant the learned CTO has arrived at VAT payable of Rs. 3,22,034/-, 2,99,964/- and Rs. 59,173/- totaling to Rs. 6,81,171/-. There are no purchases or sales during the years 2016-17 and 2017-18 (upto June, 2017).
- e. Appellant submits that when the learned CTO has recorded in the notice that he has verified the books of accounts and when

the purchases are also mentioned in the notice the CTO ought not have proposed to levy tax under Rule 17 (1) (g) under standard deduction method. When the appellant has maintained all books and produced the same to the CTO ought to have levied tax on the value of goods at the time the goods are incorporated in the work at the rates applicable to the goods as per Rule 17 (1) (a) and ought to have allowed input tax credit on 75% of the tax paid on the goods purchased other than those specified in Sub-Rule (2) of Rule 20. The learned CTO passed the order in haste without obtaining the purchase details from the appellant and without allowing the input tax credit. The order passed by the learned CTO is illegal and is not according to the provisions of the Act and Rules and is therefore liable to be set aside.

- f. For these grounds and the other grounds that may be urged at the time of hearing, appellant prays to set aside the impugned order as illegal and to allow the appeal.

  
\*  
**APPELLANT**

**DECLARATION**

FORM APP 400A

[ See under Section 31(1)] [ Rule38 (2)(d)]

TIN / GRN 36790571789

Date Month Year5

01 2019

From  
M/s.Summit Builders,  
D.No.5-4-187/3&4, Soham Mansion,  
M.G. Road, Secunderabad – 500 003.

To  
The Appellate Dy. Commissioner (CT)  
Punjagutta Division,  
Nampally, Hyderabad

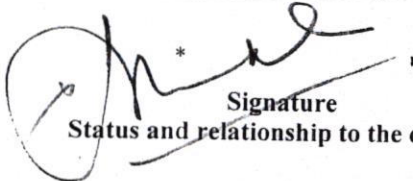
I \_\_\_\_\_ S/o, \_\_\_\_\_ appellant named in the  
appeal preferred herein as M/s. Summit Builders, Secunderabad (Dealer/Firm Name) with  
TIN/GRN: 36790571789 hereby declare that

\* the tax admitted to be due, or of such instalments as have been granted and the payment of 12.5%  
of the difference of tax assessed by the authority have been paid, for the relevant tax period in respect  
of which the appeal is preferred, the details of which are given below.

\* no arrears are due from me for the relevant tax period for which appeal is preferred due to the  
reasons:

**12.5% Disputed Tax Rs.**

| Total Tax Paid:          |                                                     |
|--------------------------|-----------------------------------------------------|
| a) Cheque/DD particulars | Number _____ Date _____ Bank _____<br>Branch: _____ |
| b) Cash Particulars:     | Receipt No: _____ Date: _____                       |
| c) Challan particulars:  | E- receipt Challan No: _____ Date _____             |

  
Signature  
Status and relationship to the dealer

(\* Strike off which is not applicable)