

MODI VENTURES *gc*

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.

☎ : 66335551 (4 lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

31.12.11

To,
The Superintendent of Service Tax *(GROUP-11)*
Hyderabad – II Commissionerate,
Opposite Singareni Bhavan,
Sitaram Bagh, Red Hills
Hyderabad.

Dear Sir,

Sub: **Payment of Service tax under protest for the period 01.04.2011 to 30.09.2011**

Ref: Our STC No. AAJF0646DST001

1. We M/s. Modi Ventures are engaged in development and sale of residential Flats on the land purchased by us outright. We enter into agreement to sell with the customer and later the same would be registered by executing a sale deed after the completion of the construction.
2. We understand that we are not liable to service tax based on the decision of Gauhati High Court in case of Magus Construction (P) Ltd., [2008 (11) S.T.R. 225 (Gau.)], the clarification given by Board vide Circular No. 108/02/2009 – ST dated 29.01.2009 and also the trade notice No. Commissioner of Central Excise, Pune-III, Trade facility No. 1/2011, dated 15-2-2011 which clearly clarifies that there was no liability of service tax on the same upto 01.07.2010.
3. We also understand that since the flat is put to personal use, service tax is not applicable even today due to exclusion of the same in definition of "Residential Complex" under section 65(91a) of the Finance Act and also as clarified by the board vide Circular No. 108 referred above.
4. However since the matter has been litigated by the department, for the sake of operational convenience, we would be paying service tax on the consideration received after 01.07.2010 and also for the flats sold upto receipt of the completion certificate. However, for the payments towards service tax made by us shall be adjusted to the liability arising post 01.07.2010.

MODI VENTURES

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.
☎ : 66335551 (4 lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

31.12.11

To,
The Superintendent of Service Tax, *(GROUP-14)*
Hyderabad – II Commissionerate,
Opposite Singareni Bhavan,
Sitaram Bagh, Red Hills
Hyderabad.

Dear Sir,

Sub: **Payment of Service tax under protest for the period 01.04.2011 to 30.09.2011**

Ref: Our STC No. AAJF0646DST001

1. We M/s. Modi Ventures are engaged in development and sale of residential Flats on the land purchased by us outright. We enter into agreement to sell with the customer and later the same would be registered by executing a sale deed after the completion of the construction.
2. We understand that we are not liable to service tax based on the decision of Gauhati High Court in case of Magus Construction (P) Ltd., [2008 (11) S.T.R. 225 (Gau.)], the clarification given by Board vide Circular No. 108/02/2009 – ST dated 29.01.2009 and also the trade notice No. Commissioner of Central Excise, Pune-III, Trade facility No. 1/2011, dated 15-2-2011 which clearly clarifies that there was no liability of service tax on the same upto 01.07.2010.
3. We also understand that since the flat is put to personal use, service tax is not applicable even today due to exclusion of the same in definition of "Residential Complex" under section 65(91a) of the Finance Act and also as clarified by the board vide Circular No. 108 referred above.
4. However since the matter has been litigated by the department, for the sake of operational convenience, we would be paying service tax on the consideration received after 01.07.2010 and also for the flats sold upto receipt of the completion certificate. However, for the payments towards service tax made by us shall be adjusted to the liability arising post 01.07.2010.

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.

☎ : 66335551 (4 Lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 23.12.2011

To,

The Commissioner, Service Tax

Office of the Commissioner of Custom,
Central Excise & Service Tax,
Hyderabad -II, Commissionerate,
Shakar Bhavan, Basheerbagh,
Hyderabad - 500 004

Dear Sir,

Sub: Request to extend the time to reply show cause notice - reg.

Ref.: 1. **Our STC No. AAJFM0646DST001.**

2. Show cause notice no. **O.R.No.125/2011-ST (Adjn) (Commr.)**

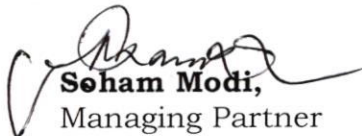
3. **C.No. IV/16/169/2011/Adjn. (ST) (Commr.) Dated 24.10.11**

With reference to the above, we request you to extend time for another (30) thirty days time to reply show cause notice mentioned above.

Thank You.

Yours sincerely,

For **Modi Ventures,**


Soham Modi,
Managing Partner





[Handwritten signature]
16/09/2011

OFFICE OF THE COMMISSIONER OF CUSTOMS, CENTRAL EXCISE & SERVICE
TAX

HYDERABAD II COMMISSIONERATE SHAKKAR BHAVAN: 3RD FLOOR ::
:L.B.STADIUM ROAD:: BASHEERBAGH:: HYDERABAD-500 004.
(Tele / Fax: 040 – 23231481)

HQST No. 58/2009-AE-Gr-II
HQPOR No. 28/2009-STAE_Gr-II

Date 8/09/2011

To
M/s Modi Ventures,
5-4-187/3 & 4, 2nd Floor, Soham Mansion, M.G.Road,
Secunderabad-500 003.

Sir,

Sub : Submission of further period documents – Reg.

Ref : (1) This office letter dated 24/01/2011
(2) Your letter dated 07/02/2011.

...

With reference to the above cited letters, after verification of the information / documents submitted by you vide above referred letter, this office needs further details of (1) date of entering into sale deed and Agreement of Constructions (2) amounts received towards sale deed and agreement of constructions, for the new phase i.e., F & G for the period from Jan,2010 to December,2010.

2. Therefore, you are hereby requested to submit the same to this office immediately to process further for taking necessary action. *along with returns & Tax payments Chakam.*

Yours faithfully,

[Handwritten signature]
(S.HARANADH)
Superintendent
Service Tax, Anti-Evasion Gr-II
8/9/11

MODI VENTURES

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.
☎ : 66335551 (4 lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 30-5-11

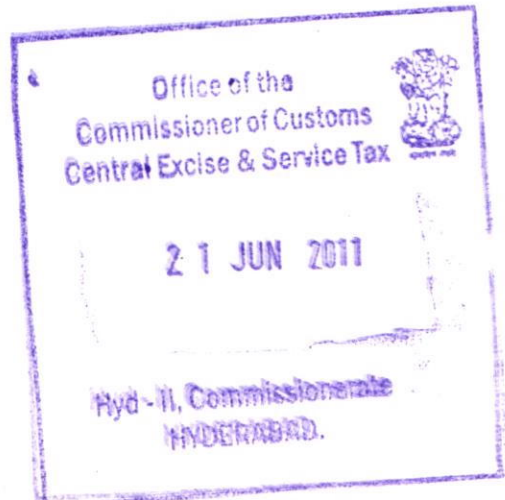
To
The Superintendent of Service Tax,
Hyderabad – II Commissionerate,
L.B.Stadium Road,
Basheerbagh,
Hyderabad – 500 004.

Dear Sir,

Sub: Applicability of Service tax sales made prior to 01-07-2010

Ref: Our STC No. AAJPM0646DST001

1. We Modi Ventures are engaged in development and sale of residential flats/Villa on the land purchased by us outright. We enter into agreement to sell with the customer and later the same would be registered by executing a sale deed after the completion of the construction.
2. We understand that we are not liable to service tax based on the decision of Gauhati High Court in case of Magus Construction (P) Ltd., [2008 (11) S.T.R. 225 (Gau.)], the clarification given by Board vide Circular No. 108/02/2009 – ST dated 29.01.2009 and also the recent trade notice No. Commissioner of Central Excise, Pune-III, Trade facility No. 1/2011, dated 15-2-2011 which clearly clarifies that there was no liability of service tax on the same upto 01.07.2010.
3. We also understand that since the flat is put to personal use, service tax is not applicable even today due to exclusion of the same in definition of "Residential Complex" under section 65(91a) of the Finance Act and also as clarified by the board vide Circular No. 108 referred above.



MODI VENTURES

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.

☎ : 66335551 (4 lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

4. However since the matter has been litigated by the department, for the sake of operational connivance, we would be paying service on the consideration received after 01.07.2010 and also for the flats sold upto receipt of the completion certificate.
5. We understand for the service rendered after 1-7-2010 for which payment was made prior to 1-7-2010, service tax has been exempted by Government, based on documentary evidence vide notification no. 36/2010- ST dated 28-6-2010 as amended.
6. We shall make the payment of service tax at the rate of 2.575% as per notification 1/2006-ST, dated 01.03.2006. Tax on sale made after receiving Completion Certificate shall be exempt so we shall ignore all collection for the flats book after receipt of such certificate.

We assume the above understand is in accordance with the law, in case the same is otherwise please let us known for our future course of action. We shall be glad to provide any further information of explanation in this regard. Kindly acknowledge the receipt of the same.

Thanking you,
Yours sincerely,
For MODI VENTURES.



Authorized signatory

MODI VENTURES

5-4-187/3&4, III Floor M.G. Road, Secunderabad - 500 003
☎ : 66335551 (4 lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 30-5-11

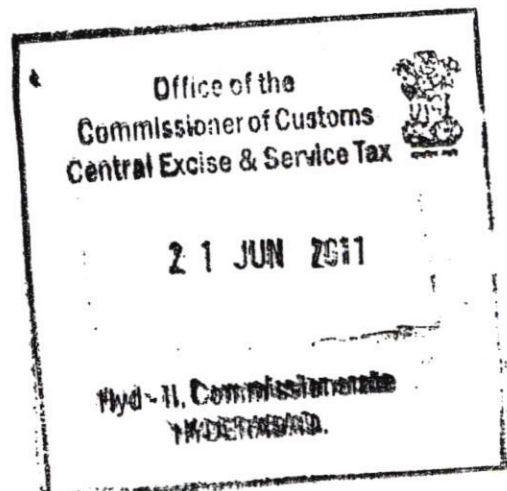
To
The Superintendent of Service Tax,
Hyderabad – II Commissionerate,
L.B.Stadium Road,
Basheerbagh,
Hyderabad – 500 004.

Dear Sir,

Sub: Applicability of Service tax sales made prior to 01-07-2010

Ref: Our STC No. AAJPM0646DST001

1. We Modi Ventures are engaged in development and sale of residential flats/Villa on the land purchased by us outright. We enter into agreement to sell with the customer and later the same would be registered by executing a sale deed after the completion of the construction.
2. We understand that we are not liable to service tax based on the decision of Gauhati High Court in case of Magus Construction (P) Ltd., [2008 (11) S.T.R. 225 (Gau.)], the clarification given by Board vide Circular No. 108/02/2009 – ST dated 29.01.2009 and also the recent trade notice No. Commissioner of Central Excise, Pune-III, Trade facility No. 1/2011, dated 15-2-2011 which clearly clarifies that there was no liability of service tax on the same upto 01.07.2010.
3. We also understand that since the flat is put to personal use, service tax is not applicable even today due to exclusion of the same in definition of "Residential Complex" under section 65(91a) of the Finance Act and also as clarified by the board vide Circular No. 108 referred above.



MODI VENTURES

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.

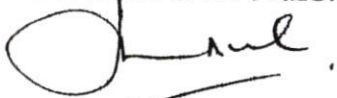
☎ : 56335551 (4 lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

4. However since the matter has been litigated by the department, for the sake of operational connivance, we would be paying service on the consideration received after 01.07.2010 and also for the flats sold upto receipt of the completion certificate.
5. We understand for the service rendered after 1-7-2010 for which payment was made prior to 1-7-2010, service tax has been exempted by Government, based on documentary evidence vide notification no. 36/2010- ST dated 28-6-2010 as amended.
6. We shall make the payment of service tax at the rate of 2.575% as per notification 1/2006-ST, dated 01.03.2006. Tax on sale made after receiving Completion Certificate shall be exempt so we shall ignore all collection for the flats book after receipt of such certificate.

We assume the above understand is in accordance with the law, in case the same is otherwise please let us known for our future course of action. We shall be glad to provide any further information of explanation in this regard. Kindly acknowledge the receipt of the same.

Thanking you,
Yours sincerely,
For MODI VENTURES.



Authorized signatory

MODI VENTURES

5-4-1E7/3&4, III Floor M.G. Road, Secunderabad - 500 003
☎ : 66335551 (4 lines) Fax : 040-27544058
E-mail : info@modiproperties.com Website : www.modiproperties.com

Date: 30-5-11

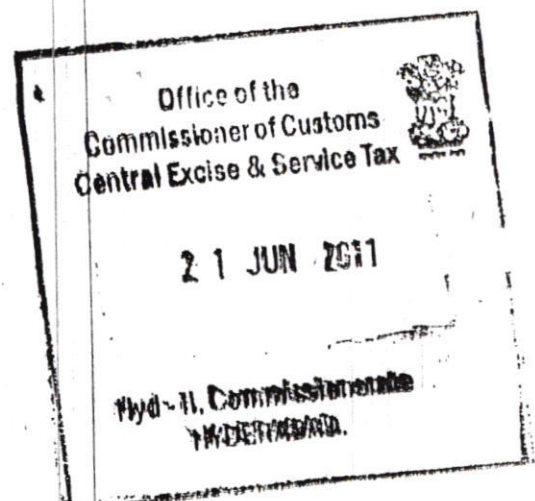
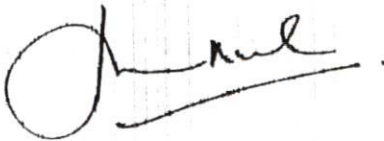
To
The Superintendent of Service Tax,
Hyderabad – II Commissionerate,
L.B.Stadium Road,
Basheerbagh,
Hyderabad – 500 004.

Dear Sir,

Sub: Applicability of Service tax sales made prior to 01-07-2010

Ref: Our STC No. AAJPM0646DST001

1. We Modi Ventures are engaged in development and sale of residential flats/Villa on the land purchased by us outright. We enter into agreement to sell with the customer and later the same would be registered by executing a sale deed after the completion of the construction.
2. We understand that we are not liable to service tax based on the decision of Gauhati High Court in case of Magus Construction (P) Ltd., [2008 (11) S.T.R. 225 (Gau.)], the clarification given by Board vide Circular No. 108/02/2009 – ST dated 29.01.2009 and also the recent trade notice No. Commissioner of Central Excise, Pune-III, Trade facility No. 1/2011, dated 15-2-2011 which clearly clarifies that there was no liability of service tax on the same upto 01.07.2010.
3. We also understand that since the flat is put to personal use, service tax is not applicable even today due to exclusion of the same in definition of "Residential Complex" under section 65(91a) of the Finance Act and also as clarified by the board vide Circular No. 108 referred above.



MODI VENTURES

5-4-187/3&4, III Floor, M.G. Road, Secunderabad - 500 003.

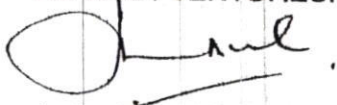
☎ : 56335551 (4 lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

4. However since the matter has been litigated by the department, for the sake of operational connivance, we would be paying service on the consideration received after 01.07.2010 and also for the flats sold upto receipt of the completion certificate.
5. We understand for the service rendered after 1-7-2010 for which payment was made prior to 1-7-2010, service tax has been exempted by Government, based on documentary evidence vide notification no. 36/2010- ST dated 28-6-2010 as amended.
6. We shall make the payment of service tax at the rate of 2.575% as per notification 1/2006-ST, dated 01.03.2006. Tax on sale made after receiving Completion Certificate shall be exempt so we shall ignore all collection for the flats book after receipt of such certificate.

We assume the above understand is in accordance with the law, in case the same is otherwise please let us known for our future course of action. We shall be glad to provide any further information of explanation in this regard. Kindly acknowledge the receipt of the same.

Thanking you,
Yours sincerely,
For MODI VENTURES.



Authorized signatory

MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.

☎ : 66335551 (4 Lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

To,

The Superintendent,
Service Tax, Anti-evasion,
Commissionerate -II,
Sakkar Bhavan,
Fathemaidan,
Hyderabad.

Date: 7.02.2011

Dear Sir,

Ref.: Your notice dated 17.1.01, C No. WCS/Modi and Modi.

We wish to bring to your notice that there is considerable ambiguity in the applicability of service tax since the issue of circular No.108/2010 and thereafter, an amendment to the Finance Act 2010 has clarified that service tax is payable from 01.07.10 where amounts are received from customers before completing the construction of their residential unit. We understand that Service tax if at all applicable, is payable only to amounts received after 01.07.2010 @ 2.575% on the entire sale consideration under the abatement scheme.

Since we are of the view that our customers use the complex for this personal use, we are not liable for service tax as clarified under Circular No. 108. However as a law abiding person we are here with producing the details as required by you.

Please find enclosed a statement of amounts received from customers from July 2010 to December 2010 on which service tax has been paid earlier. An additional amount of Rs. 2.4 lakhs was paid in the months of January and February, 2011 (Challan copy enclosed).

Thank You.

Yours sincerely,

For Modi Ventures

Soham Modi,
Managing Partner.



MODI VENTURES

5-4-187/3 & 4, II Floor, M.G. Road, Secunderabad - 500 003.

☎ : 66335551 (4 Lines) Fax : 040-27544058

E-mail : info@modiproperties.com Website : www.modiproperties.com

To,

The Superintendent,
Service Tax, Anti-evasion,
Commissionerate -II,
Sakkar Bhavan,
Fathemaiddan,
Hyderabad.

Date: 7.02.2011

Dear Sir,

Ref.: Your notice dated 17.1.01, C No. WCS/Modi and Modi.

We wish to bring to your notice that there is considerable ambiguity in the applicability of service tax since the issue of circular No.108/2010 and thereafter, an amendment to the Finance Act 2010 has clarified that service tax is payable from 01.07.10 where amounts are received from customers before completing the construction of their residential unit. We understand that Service tax if at all applicable, is payable only to amounts received after 01.07.2010 @ 2.575% on the entire sale consideration under the abatement scheme.

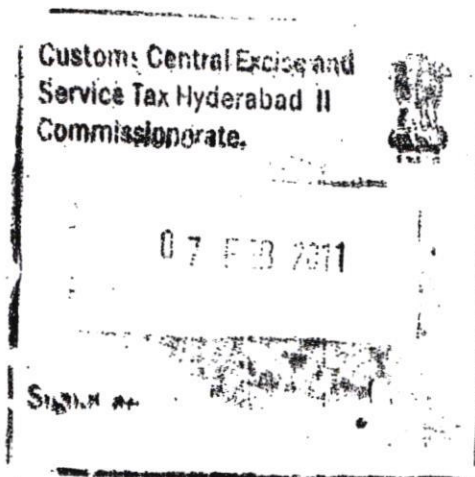
Since we are of the view that our customers use the complex for this personal use, we are not liable for service tax as clarified under Circular No. 108. However as a law abiding person we are here with producing the details as required by you.

Please find enclosed a statement of amounts received from customers from July 2010 to December 2010 on which service tax has been paid earlier. An additional amount of Rs. 2.4 lakhs was paid in the months of January and February, 2011 (Challan copy enclosed).

Thank You.

Yours sincerely,
For Modi Ventures

Sohan Modi,
Managing Partner.





Recd
25/01/11 ✓
RQ

OFFICE OF THE COMMISSIONER OF CUSTOMS, CENTRAL EXCISE & SERVICE
TAX
HYDERABAD II COMMISSIONERATE SHAKKAR BHAVAN: 3RD FLOOR ::
:L.B.STADIUM ROAD:: BASHEERBAGH:: HYDERABAD-500 004.
(Tele / Fax: 040 – 23231481)

HQST No. 58/2009 - ST AE-Gr II

Date : /01/2011

To
M/s Modi Ventures,
5-4-187/3 & 4, 2nd Floor, Soham Mansion, M.G.Road,
Secunderabad-500 003.

Sir,

Sub : Submission of further period documents – Reg.

...

You are hereby requested to submit the following records / documents
from January,2010 to December,2010, immediately, to this office in connection with the
investigation of your case.

1. A soft copy and hard copies of Ledgers for the period from **January,2010 to March,2010 and April,2010 to December,2010**
2. Audited Balance Sheet & P&L Report for the period **2009-10**.
3. Statement containing party wise sale deed, agreement of constructions, month wise receipts from **January,2010 to March,2010 and April,2010 to September,2010**
4. Service tax payment details after January, 2010, if any.

Yours faithfully,


(S.HARANADH)
Superintendent
Service Tax, Anti-Evasion Gr-II



OFFICE OF THE COMMISSIONER OF CUSTOMS, CENTRAL EXCISE
SERVICE TAX CELL : HYDERABAD II COMMISSIONERATE
3rd FLOOR : SHAKAR BHAVAN : BASHEERBAGH : HYDERABAD – 500 004
PHONE NO 23231172

To
MODI VENTURES
5-4-187/3 & 4, SOHAM MANSION
SOHAM MANSION, M.G.ROAD
SECUNDRABAD HO, HYDERABAD URBAN
ANDHRA PRADESH-500003

Dt. 7.1.2011

Gentlemen,

Please refer to your service tax registration

With reference to the above, you are requested to furnish the returns in Form ST-3 return to be filed on half yearly basis. The half yearly return for April to September has to be filed on or before 25th October and Second half year return for October to March has to be filed on or before 25th April.

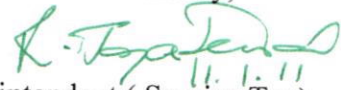
Therefore, you are requested to file the ST-3 returns upto the period ending 30.09.2010 along with original copies of TR6 Challans. In this regard, it may please be noted that ;

- i) **delay in depositing Service Tax attracts interest.**
- ii) **In addition, it also attracts a penalty @ Rs.200 per day of delay or 2% per month of the tax liability, which ever is higher.**
- iii) **This penalty could be upto the amount of Service Tax payable.**
- iv) **Non filing of half yearly ST-3 Returns attracts late fee of Rs.2000/- for each such Return.**

Further, you are requested to submit the Income-tax returns along with profit & loss account statements for the period from 2006-07 to 2009-10 for taking further action.

This letter is issued without prejudice to any other action that may be initiated under the Finance Act, 1994 and the Rules made there under or any other law for the time being force in India.

Yours faithfully,


Superintendent (Service Tax)