

o/c

MEHTA & MODI HOMES

5-4-187/3 & 4, IInd Floor, Soham Mansion, M.G. Road, Secunderabad – 500003
Phone: +91-40-66335551, Fax: 040-27544058

Date: 12th May 2013

To,
The Commercial Tax Officer,
M.G. Road Circle,
Hyderabad.

Sir,

Sub: APVAT Act'2005- Filing of penalty appeal in the case of M/s.Mehta & Modi Homes, Secunderabad - For the tax period from 2009-10 to 2012-13 (upto January'2013) - Stay Petition filed Intimation – Reg.

Ref: 1) Appeal filed on 10/05/2013.
2) Notice in Rc.No. Audit/Penalty/2013 dated 07/05/2013 issued by CTO, M.G. Road Circle, Hyderabad.

With reference to the above notice, it is submitted that, against the penalty order for the tax period from 2009-10 to 2012-13 (upto January'2013) passed by the Commercial Tax Officer (Int.), Begumpet Division, Hyderabad. We have filed appeal before the Hon'ble Appellate Dy. Commissioner (CT), Punjagutta Division disputing the levy of penalty of Rs.4,48,500/- and also filed application for stay of collection of the disputed penalty. The appeal and the stay petition are pending disposal by the ADC (CT).

In this connection it is submitted that as the stay application is pending, in view of the decision of the Hon'ble High Court of A.P. IN THE CASE OF ANAB-E-SHAHI Wines & Distilleries (P) Limited Vs. Appellate Deputy Commissioner(1995) 21 APSTJ98 (APHC) no coercive steps for collection of disputed penalty can be taken by the assessing authority. We therefore request you not to take coercive steps for collection of the disputed penalty. This is submitted for kind information. Copy of the acknowledgment of appeal and stay petition are enclosed herewith.

Thanking you,

Yours truly
for **MEHTA & MODI HOMES**


Authorised Signatory





GOVERNMENT OF ANDHRA PRADESH
COMMERCIAL TAXES DEPARTMENT

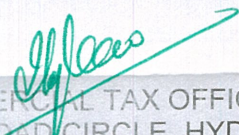
Office of the
Commercial Tax Officer,
M.G. Road Circle, Hyd'bad.

Rc.No. Audit/Penalty/2013, Date: 07-05-2013

NOTICE

M/s Mehta & Modi Homes, Secunderabad are informed that, C.T.O. (Int.), Begumpet Division, levied Penalty of Rs.4,48,500/- Under Section 53(1)(i) of APVAT Act for the period from 2009-10 to 2012-13 (upto Sept.) As per the Office records they have not paid the above amount.

Therefore, they are requested to pay the above amount within (3) days from the date of receipt of this notice, failing which action will be initiated as per the provisions of the Act.


COMMERCIAL TAX OFFICER,
M.G. ROAD CIRCLE, HYD'BAD

To
M/s Mehta & Modi Homes,
Secunderabad

MEHTA & MODI HOMES

5-4-187/3 & 4, IInd Floor, Soham Mansion, M.G. Road, Secunderabad – 500003
Phone: +91-40-66335551, Fax: 040-27544058

Date: 30th May 2013

The Commercial Tax Officer,
M.G. Road Circle,
Ameerpet, Hyderabad

Dear Sir,

Sub: APVAT Act'2005 - M/s. Mehta & Modi Homes, Secunderabad –
Notice of Assessment of Value Added Tax in Form VAT 305A –
Assessment year 2008-09– Objections called for – Additional Reply
submitted – Reg.

Ref: 1) Notice of Assessment in form VAT 305A dated 24th August 2012.
2) Our reply dated 13th September 2012
3) Our reply dated 12th November 2012
4) Our reply dated 28th November 2012

In continuation of the same, we make the following further objections:-

We submit that we were issued notice of assessment dated 24-08-2012 for the year 2008-09 proposing levy of VAT @ 4% on the alleged receipts of Rs.12,77,49,990/- to which we have already filed replies through our letter dated 13-09-2012, 12.11.12 & 28.11.12. We have verified our records and submit herewith the additional reply in continuation of the said reply. We request to kindly consider the same on the following grounds.

We submit that we have declared a turnover of NIL for the year 2005-06, 2006-07, Rs. 16,61,25,381/- for the year 2007-08 and Rs. 39,96,000/- for the year 2008-09 and paid VAT @1% under composition under Sec. 4 (7) (d) of the APVAT Act, 2005 based on the declared in Income Tax Returns done during the respective periods. In the notice of assessment for the year 2008-09, you have adopted a turnover of Rs.12,77,49,990/- as our receipts during the year 2008-09 and proposed levy of tax @ 4%.

We have computed tax liability for the period **2008-09** under works contract services, composition scheme. Details of receipts during the said period and computation of tax liability is attached herein. Receipts were first appropriated towards

- a. Sale deed.
- b. Then towards the agreement of construction.
- c. Towards additions and alternations and
- d. Finally towards VAT, Service tax, stamp duty, registration charges, excess consideration received etc.

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The receipts under the following heads were excluded for computation of taxable amount under work contract services:

- e. Receipts towards value of sale deed.
- f. Receipts towards payment of VAT, service tax, stamp duty and registration charges that were remitted to the government wither in advance or on a later date.
- g. Receipts that are in excess of the agreed sale consideration which were refunded or liable to refunded to the purchaser.
- h. Receipts towards the other charges like corpus fund, maintenance charges, electricity charges, etc received on behalf of the Owners Association or the electricity department which were paid to them in advance or on a later date.

Accordingly, the taxable amount under works contract services with composition was computed statement enclosed.

We therefore submit that we have declared the amounts received from the customers as on 31st March 2009 closing net receipts Rs. 26,39,42,972/- taxable turnover. As per Income Tax we declared in F.Y 2008-09 Rs.39,96,000/- after declared in the said amount as on 31st March 2009 closing receipts Rs. 25,94,46,972/- In this receipts carry forwarded to 2009-10, 2010-11 & 2011-12 detailed statement enclosed.

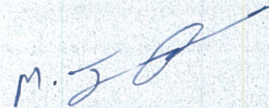
We request to kindly adopt the turnover of Rs.39,96,000/- for the year 2008-09 as per Income Tax in the notice of assessment. The objections filed by us in our letter dated 13.09.2012 disputing the levy @4 % remain the same. We are also submitting herewith the statements showing the declared turnover for Rs. 39,96,000/-

We request to kindly adopt the above turnover a.d levy VAT @1% only. In case you proceed further we request you to kindly provide us as opportunity of personal hearing to explain our case in detail with statements of turnovers.

Thanking you,

Yours faithfully

For MEHTA & MODI HOMES,



(SOHAM MODI)
Managing Partner

MEHTA & MODI HOMES

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Statement-1:

Year	Opening Receipts	Receipts for the year	Non-Taxable Receipts	Net Receipts	AO No. 17318 Declared	Closing Receipts
2009 -10	259,946,972	51,346,470	12,039,763	299,253,679	44,967,000	254,286,679
2010 -11	254,286,679	63,226,891	24,044,099	293,469,471	93,591,000	199,878,471
2011 -12	199,878,471	66,420,591	24,616,752	241,682,310	139,724,000	101,958,310
2012 - 13	101,958,310	87,140,627	41,041,310	148,057,627	44,967,000	103,090,627

Statement 2:

Total Receipts from Apr' 05 to Mar'13				596,461,008
Turnover Already Declared in DC Order No. 162 dated 23.04.12			96,943,466	
	2005 - 06	54,250,247		
	2006 - 07	42,693,219		
Turnover to be declared in 2007 - 08 & 2008 - 09			55,740,561	
Turnover Already Declared in AO No. 17318 dated 19.03.13			323,249,000	
	2009 -10	44,967,000		
	2010 - 11	93,591,000		
	2011 - 12	139,724,000		
	Apr'12 - Sep'12	44,967,000		
				475,933,027
				120,527,981