

**GOVERNMENT OF TELANGANA
COMMERCIAL TAX DEPARTMENT**

Attachment to Show Cause Notice in Form DRC-01

DIN	GST/36AAHFB7046A1ZT/20
Office details Designation of the assessing officer Unit Division	DEPUTY COMMISSIONER (ST) BEGUMPET STU2 BEGUMPET
Details of the Tax payer Name Legal Name GSTIN	B&C ESTATES5 B & C ESTATES 36AAHFB7046A1ZT
Financial Year	2019-20

Take notice that you have not filed annual return in GSTR-09 for the financial year 2019-20.

On examination of the information furnished to this office in GSTR-3B TRAN-1, GSTR-01, GSTR-2A, EWB and other records available in this office it is found that you have not declared your correct tax liability while filing GSTR-3B. The summary of under declared tax is as follows:

SGST Rs.**886351.06**
CGST Rs.**886351.06**
Total Rs.**1772702.12**

The details of the above tax liability are as follows:

1. Excess claim of ITC:

• ITC to be reversed on non-business transactions & exempt supplies

Under Sec 17(1) & (2) where the goods or services or both are used by the registered person partly for the purpose of business, partly for other purposes or partly used for effecting exempt supply and partly for taxable supply then the amount of credit shall be restricted to so much of the input tax as is attributable to the taxable supplies in the course of business. Therefore the taxable person needs to make an apportionment of available input tax credit under Rule 42 & 43 to arrive at the eligible ITC.

However as seen from the GSTR-3B return filed it is evident that you have not made such apportionment resulting in excess claim of ITC than you are eligible. The details of the working are as under:

S.No	Issue	Table no. in GSTR-3B	Value of outward supply	SGST	CGST	Total
1	2	3	4	5	6	7
1	Total supplies	3.1-3.1(D)	4961510.51	-	-	-
2	Exempt supplies	3.1(c)+3.1(e)	3369151.00	-	-	-
3	Proportion of common ITC which has to be reversed to the extent of exempt supply (2/1 above)		0.679057	-	-	-
4	Common input tax credit	4A+Tran 1+ Tran 2	-	869355.21	869355.21	1738710.42
5	ITC to be reversed	[S.No.2]/[S. No.1]X[S.No. 4]	-	590341.74	590341.74	1180683.48
6	ITC reversed as per GSTR-3B	4B(1)	-	0.00	0.00	0.00
7	Difference/Excess ITC claimed	S.No.5 (-) S. No.6	-	590341.74	590341.74	1180683.48

Therefore the excess ITC claimed is proposed to be recovered.

• Under declaration of Ineligible ITC:

Under Sec 17(5) of the SGST Act, 2017 input tax credit shall not be available in respect of the list of commodities & services mentioned therein subject to certain conditions. It is seen from GSTR-3B and other information that they have claimed ITC on these commodities and therefore the ITC claimed on these commodities or services is proposed to be recovered.

S.No	Commodity/Service	HSN code	Table no. in GSTR-3B	SGST	CGST	Total
1	2	3	4	5	6	7
1	Works contractors	9954;		296009.32	296009.32	592018.64
A	Total ineligible ITC u/s 17(5)	-		296009.32	296009.32	592018.64
B	Ineligible ITC declared in GSTR-3B	-	4D.(1)	0.000	0.000	0.000
C	Difference/excess ITC claimed	-		296009.32	296009.32	592018.64

The total tax payable on account of these deficiencies after giving credit to the payments made in cash and ITC adjusted is arrived as follows:

S.No	Issue	SGST	CGST	Total
1	2	3	4	5
1	Total tax due in (1) above	886351.06	886351.06	1772702.12

(The detailed workings of the above in tabular form are attached as Annexures)

Therefore it is proposed to assess the registered tax payer for the net tax payable indicated above under Section 73 of the SGST/CGST Act. The registered tax payer may therefore pay the tax along with interest in DRC-03. However, If the registered tax payer is not agreeing with the proposals in this notice they may file their objections in DRC-06 within (15) days from the date of receipt of this notice. A draft standard format is also attached for filing your response along with your detailed reply.

DEPUTY COMMISSIONER (ST)

To download response pdf [Click Here](#)

ITC to be reversed on non-business transactions & exempt supplies						Date: 17-02-2022		Rs in Rupees	
GSTIN : 36AAHFB7046A1ZT		Name : B&C ESTATES5		FY : 2019-20					
S.No.	Month	Total supplies	Exempt supplies	Common input tax credit			ITC reversed as per GSTR-3B		
				SGST	CGST	Total	SGST	CGST	Total
1	2	3	4	5a	5b	5c	6a	6b	6c
1	Apr, 2019	0.00	0.00	135482.50	135482.50	270965.00	0.00	0.00	0.00
2	May, 2019	1.00	0.00	449330.71	449330.71	898661.42	0.00	0.00	0.00
3	Jun, 2019	108830.00	0.00	282055.00	282055.00	564110.00	0.00	0.00	0.00
4	Jul, 2019	2304290.00	2304290.00	0.00	0.00	0.00	0.00	0.00	0.00
5	Aug, 2019	1882540.98	1015839.00	0.00	0.00	0.00	0.00	0.00	0.00
6	Nov, 2019	197335.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7	Jan, 2020	250000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8	Feb, 2020	218513.53	49022.00	0.00	0.00	0.00	0.00	0.00	0.00
9	Mar, 2020	0.00	0.00	2487.00	2487.00	4974.00	0.00	0.00	0.00
	Total	4961510.51	3369151.00	869355.21	869355.21	1738710.42	0.00	0.00	0.00

Note:

Common SGST ITC = Common input tax credit from 4A + Tran 1 + Tran 2 = 869355.21 + 0.00 + 0.00 = 869355.21
SGST Tax = SGST ITC to be reversed {Exempt Supplies / Total Supplies X Common SGST ITC } - SGST ITC reversed as per GSTR-3B
= 590341.74 - 0.00
= 590341.74

Common CGST ITC = Common input tax credit from 4A + Tran 1 + Tran 2 = 869355.21 + 0.00 + 0.00 = 869355.21
CGST Tax = CGST ITC to be reversed {Exempt Supplies / Total Supplies X Common CGST ITC } - CGST ITC reversed as per GSTR-3B
= 590341.74 - 0.00
= 590341.74

Details of Ineligible ITC 17 (5)				Date: 17-02-2022		Rs in Rupees		
GSTIN : 36AAHFB7046A1ZT Name : B&C ESTATES5 FY : 2019-20								
S.No.	Seller Name	Seller GSTIN	Commodity / Service	HSN code	Month	R1 to this dealer		
						SGST	CGST	Total
1	2	3	4	5	6	7a	7b	7c
1	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Apr, 2019	80346.50	80346.50	160693.00
2	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	May, 2019	83047.56	83047.56	166095.12
3	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Jun, 2019	25661.04	25661.04	51322.08
4	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Jul, 2019	17813.91	17813.91	35627.82
5	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Aug, 2019	24350.04	24350.04	48700.08
6	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Sep, 2019	12203.12	12203.12	24406.24
7	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Oct, 2019	33115.04	33115.04	66230.08
8	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Nov, 2019	8440.99	8440.99	16881.98
9	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Dec, 2019	8188.24	8188.24	16376.48
10	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Jan, 2020	534.69	534.69	1069.38
11	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Feb, 2020	1709.69	1709.69	3419.38
12	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Mar, 2020	598.50	598.50	1197.00
	Total					296009.32	296009.32	592018.64

Note:

SGST Ineligible ITC = Lower of {(Total SGST ineligible ITC u/s 17(5) from GSTR-01 to this dealer - 4D(1) SGST of GSTR-3B) or Sum of 4C of all months GSTR 3B in FY}
= Lower of 296009.32 - 0.000 or 869355.21
= 296009.32

CGST Ineligible ITC = Lower of {(Total CGST ineligible ITC u/s 17(5) from GSTR-01 to this dealer - 4D(1) CGST of GSTR-3B) or Sum of 4C of all months GSTR 3B in FY}
= Lower of 296009.32 - 0.000 or 869355.21
= 296009.32