



Proceedings of Assistant Commissioner (State Taxes)
Ramgopalpet-Ranigunj-1 Circle
BEGUMPET DIVISION
PRESENT: Sri. S. Ravichandra
(u/s 73 of the TGST & CGST Acts, 2017) Dt: 28-08-2024

DIN:	GST/36AABCM4761E1ZM/19-20
Officer details DesignationoftheAssessingofficer Unit	Asst.Commissioner(ST), Ramgopalpet-Ranigunj-1 Circle.
Division	Begumpet
DetailsoftheTaxpayerName	MODI PROPERTIES PRIVATE LIMITED
GSTIN	36AABCM4761E1ZM
FinancialYear	2019-20

Ref:1.Authorization issued vide no. RR01/AC(ST)/Audit-N/29/
36AABCM4761E1ZM/24-25 Dt: 22-05-2024 by Joint Commissioner(ST),
BegumpetDivision.
2. DRC-01 vide ARN.AD360524029786Q dated: 30-05-2024
3. DRC-06 vide reference No. ZD360524064504E dated: 16-07-2024

M/s.MODI PROPERTIES PRIVATE LIMITED,is a Registered Tax Payer on the
Rolls of Assistant Commissioner(ST), Ramgopalpet-Ranigunj-1 Circle,Begumpet
Division bearing GSTTN:36AABCM4761E1ZM.

As Per the Registration Details Obtained from the GSTN Portal, Their services
in WORKS CONTRACT,REAL ESTATE AGENTS,CONSTRUCTION OF RES.
COMPLEX,RENTING OF IMMOVABLE PROPERTY SERVICES.

Discrepancies Identified:

On verification of monthly GSTR- 3B, GSTR1, GSTR-09, GSTR-9C filed by
themand GSTR2A tax under RCM payable, the following discrepancies are
noticedforthe FY 2019-20.

1. Interest not Paid on Delay payment of Tax:

Delay payment of Tax under (Rs.)		Due Date	Paid on	ARN No.	No. of Days Delay	Interest @18% per annual	
CGST	SGST					CGST	SGST
53697.00	53697.00	20-04-2020	30-11-2021	AD361121036030Z	589	15597.14	15597.14
5.00	5.00	20-04-2020	02-11-2023	AD361123001118Q	1291	3.18	3.18
53702.00	53702.00				Total	15600.32	15600.32

2. Late fee payable for Late Filing of GSTR-1 Returns:

Section 39 of the Central Goods and Services Act, 2017 (CGST Act)

Furnishing of returns.

Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52 shall, for every calendar month or part thereof, furnish, in such form and manner as may be prescribed, a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars as may be prescribed, on or before the eleventh day of the month succeeding such calendar month or part thereof.

On examination of records, it was observed that the Taxpayer had filed the returns belatedly. The taxpayer has to pay late fee on delayed filing of GSTR-1 returns as per Notification No. 04/2018 Dt. 23.01.2018 issued under Section 47 of said Act.

The details of delayed filing of GSTR-1 returns and non-payment of late fees are given below.

Month	Due date for filing	Actual date of filing	No. of days delayed	Late fee to be paid	
				CGST @ Rs.25/- per day	SGST @ Rs.25/- per day
Apr-19	11-05-2019	15-05-2019	4	100	100
Aug-19	11-09-2019	26-09-2019	15	375	375
Sep-19	11-10-2019	17-10-2019	6	150	150
Jan-20	11-02-2020	12-02-2020	1	25	25
Feb-20	11-03-2020	09-05-2020	59	1475	1475
Mar-20	11-04-2020	03-07-2020	83	2075	2075
			Total	4200	4200

3. P&L Account:

Apart from the above, the Taxpayer submitted P&L Account where in they have expensed amounts for other income and Trade Payables which are liable to tax under Section 9(4) & section 16(2) (d) of TGST Act'17 being other income for Rs.8,08,08,076.00&Trade Payables for Rs.3,93,27,180.00 which are liable to tax and which was not paid by them.

The total liability for tax is proposed as under:

- (i) Other Income for Rs.8,05,08,076.00@ 18% the tax is Rs.1,44,91,454.00
- (ii) Trade Payables for Rs.3,93,27,180.00 @ 18% the tax is Rs.70,78,892.00

The total tax liability is detailed as under:

Description	IGST	CGST	SGST	Total
Interest not Paid on Delay payment of Tax	0.00	15600.32	15600.32	31200.64
Late fee payable for Late Filing of GSTR-1 Returns	0	4200	4200	8400.00
Other income	0	7245727	7245727	14491454
Trade Payables	0	3539446	3539446	7078892
TOTAL	0.0	10804973.32	10804973.32	21609946.64

Accordingly, a SCN DRC-01 was issued to the taxpayer to the proposals made in the SCN on 30.05.2024 to their registered e-mail address as per this office records granting with 30 days' time to file their written objection. According to the same, the taxpayer through their GST DRC-06 filed their written objections which are discussed as under:

1. Interest on delayed payment of Tax:

Rs.15,600.00(CGST)

Rs.15,600.00(SGST)

The taxpayer stated that the 53rd GST council meeting recommended for waiver of interest or penalty or both relating to demands raised under Section 73 of CGST Act'2017 by inserting Section 128A of TGSST Act'2017 and made a plea to set aside this demand.

This request cannot be considered as of now as hitherto no notification has been issued on this score. Hence, the demand remains.

2. Late fee for belated filing of GSTR-01 Returns

Rs.4,200.00(CGST)

Rs.4,200.00(SGST)

The taxpayer stated that they filed GSTR-01 Returns on 7th July'2020 against the mandated date of 10th July 2020 and made a plea to drop the proposal.

The Taxpayer requested to condone the delay in late filing of GSTR-01 returns by quoting certain jurisdictional pronouncements which are not relevant to them. Hence, the proposals made in the SCN are confirmed up to the month of Feb'20. For the month of Mar'20 contention of the dealer is tenable.

3. Other Income: Rs.72,45,727.00(CGST) Rs.72,45,727.00(SGST)

The taxpayer stated that the other income relates to the following:

i.	Rent receipts	-	Rs.19,500.00
ii.	Interest on FD	-	Rs.5,86,366.00
iii.	Interest from IT refund	-	Rs.1,16,046.00
iv.	Receipts	-	Rs.30,000.00
v.	Share of IT refund	-	Rs.800.00
vi.	Share of profit from		
	Partnership firm	-	Rs.7,97,31,172.00
vii.	Forfeit income	-	Rs.23,810.00
viii.	Sundry balance written off	-	Rs.396.00

Total	-	Rs.8,05,08,076.00
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They stated that the above do not come under the Notification.13/2017-Central Tax (Rate) dated 28.06.2017 and as such not liable to tax.

The matter is examined and found to be correct. Hence, the proposal made in the DRC-01 is dropped.

4. Trade Payables:

Reversal of ITC as per Sec 16(2)(d) Rs.3,93,27,180.00 @18%
RS.70,78,892.00(CGST)RS.70,78,892.00(SGST)

The taxpayer stated that as they are not liable to claim any ITC, they haven't claimed ITC. Hence, the issue of reversal of ITC does not arise. Their plea is examined and found to be correct.

Therefore, the assessment of **M/s. MODI PROPERTIES PRIVATE LIMITED** bearing GSTN: **36AABCM4761E1ZM** under Section 73 of the SGST/CGST Act FY 2019-20 is completed. The registered tax payer shall pay the tax along with interest and penalty at a rate of 10% of the tax due or Rs.10,000 penalty whichever is higher. The registered tax payer may therefore pay the interest and Penalty in DRC-03 as under:

Description	Act	Tax	Interest	Penalty	Late Fee	Total
Interest not Paid on Delay payment of Tax	IGST	0	0	0	0	0
	CGST	0	15600	0	0	15600
	SGST	0	15600	0	0	15600
	CESS	0	0	0	0	0
	TOTAL	0	31200	0	0	31200
Late fee payable for Late Filing of GSTR-1 Returns	IGST	0	0	0	0	0
	CGST	0	0	0	2125	2125
	SGST	0	0	0	2125	2125
	CESS	0	0	0	0	0
	TOTAL	0	0	0	4250	4250
Other income	IGST	0	0	0	0	0
	CGST	0	0	0	0	0
	SGST	0	0	0	0	0
	CESS	0	0	0	0	0
	TOTAL	0	0	0	0	0
Trade Payables	IGST	0	0	0	0	0
	CGST	0	0	0	0	0
	SGST	0	0	0	0	0
	CESS	0	0	0	0	0
	TOTAL	0	0	0	0	0
GRAND TOTAL		0	31200	0	4250	35450

Assistant Commissioner (ST),
Ramgopalpet-Ranigunj1 Circle

To
M/s MODI PROPERTIES PRIVATE LIMITED
2ND FLOOR, 5-4-187/3 AND 4, SOHAM MANSION, M.G
ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003