केन्द्रीय कर, केन्द्रीय उत्पाद शुल्क एवं सेवा कर आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CENTRAL TAX, CENTRAL EXCISE & SERVICE TAX
सिकंदराबाद जीएसटी आयुक्तालय, जीएसटी भवन ,एल बी स्टेडियम रोड,
SECUNDERABAD GST COMMISSIONERATE, GST BHAWAN, L .B.STADIUM ROAD
बशीरबाग, हैदराबाद BASHEERBAGH, HYDERABAD – 500 004.

MODI PROPERTIES PVT. LTD. INWARD No. 80 Date 17/8/21 Sign. SEC'BAD

OR.No. 19/2020-21Sec-Adjn Commr (ST) Dated: 16.08.2021

To,
M/s. Nilgiri Estates,
5-4-187/3&4,
2nd Floor, Soham Mansion,
M.G. Road, Ranigunj,
SECUNDERABAD – 500 003

DIN – 20210856YO0000516350

Sir,

Sub:: PH held on 14.06.2021 - Non-submission of the documents – Reg.

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Please refer to the Personal Hearing (PH) Proceedings dated 14.06.2021 in the case of O.R. No. 19/2020-21 Sec-Adjn-Commr (ST) pertaining to M/s. Nilgiri Estates, Secunderabad. A copy of the 'Record of Personal Hearing' is enclosed for ready reference.

2. During PH proceedings, it was mentioned that the following documents (Issue-wise) would be submitted shortly.

i) Issue No. 1 : A month wise statement of Cenvat Credit availed on Input Services and a list of invoices with detailed description, in support of the credit availed on input services;

ii) Issue No. 2: (a) An Excel Sheet giving year-wise break-up of the Corpus Fund in respect of each Flat and the final transfer of Corpus Fund to the Flat Owners' Association;

(b) Sample Current Bills in respect of a few Flats and details of corresponding amounts collected from them;

iii) Issue No. 3 : A year-wise reconciliation statement for the difference between the amounts declared in ST 3 returns and Income Tax returns.

3. However, the requisite documents were not furnished till date. Therefore, it is requested to furnish the same within a week, failing which the case will be adjudicated on the basis of documents/ information available on record.

Yours sincerely,

Encl : As above

16-08-2021

(N. R. B. Srinivas)
Assistant Commissioner

केन्द्रीय कर, केन्द्रीय उत्पाद शुल्क एवं सेवा कर आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CENTRAL TAX & CENTRAL EXCISE
सिकंदराबाद जीएसटी आयुक्तालय, जीएसटी भवन ,एल बी स्टेडियम रोड,
SECUNDERABAD GST COMMISSIONERATE, GST BHAWAN, L .B.STADIUM ROAD
बशीरबाग, हैदराबाद BASHEERBAGH, HYDERABAD – 500 004.

Email. adjudication3@gmail.com

O.R.No: 19/2020-21-Sec-Adjn-Commr(ST) Dated: 14.06.2021

1. Name of the Assessee	:	M/s. Nilgiri Estates, 5-4-187/3 & 4, 2nd Floor, Soham Mansion, M.G. Road, Ranigunj, Secunderabad -500003.
Represented by	:	Shri. Venkata Prasad. P, Chartered Accountant, Hiregange & Associates, Authorised Representative to M/s Nilgiri Estates.

RECORD OF PERSONAL HEARING

The above mentioned Authorised Representative representing M/s Nilgiri Estates, appeared for Personal Hearing on 14.06.2021 at 12.30 PM on Virtual mode.

2. The Authorised Representative reiterated the submissions made in their reply dated 17.02.2021. He stated that three issues were covered in the Show Cause Notice and proceeded to present their submissions issue wise.

Issue No.1: The Notice had proposed to deny abatement of 75% on the taxable value on the premise that they had availed Cenvat Credit on Inputs in violation of conditions specified under Notification No. 26/2012-ST, dated 20.06.2012, as amended.

The Authorised Representative submitted that the assessee had availed Cenvat Credit on Input Services only and not on Inputs, but inadvertently, they had reflected the Credit availed in the Input Column instead of showing the same in Input Services column. They substantiate their claim, they have furnished Cenvat Credit Ledgers and Chartered Accountant's Certificate along with their reply dated 17.02.2021. He promised to furnish a month wise statement of Cenvat Credit availed on Input Services and a list of invoices with detailed description, in support of the credit availed on Input Services.

Issue No.2: The Notice had alleged that the assessee had deducted amounts charged as Pure Agent from the gross income and had paid Service Tax on the resultant income. However, they had not furnished any documentary evidence to support their claim. Hence, the deduction towards amounts charged as Pure Agent was liable to be rejected.

3. In this regard, they have incurred expenditure of Corpus Fund, VAT, Stamp Duty and Electricity Bills on behalf of the Flat Purchasers and had collected the same from them. Hence, they were eligible for deduction as Pure Agent. In this regard, they promised to submit (i) an Excel Sheet giving the year wise break-up of the Corpus Fund in respect of each Flat and the final transfer of Corpus Fund to the Flat Owners' Association. (ii) Sample Current Bills in respect of a few Flats and details of corresponding amounts collected from them.

Issue No.3: In respect of the difference between, the amounts declared in the ST-3 Returns and the Income Tax Returns, they promised to furnish a year wise reconciliation statement.

14/06/2021
(M.R.R. REDDY)
COMMISSIONER