

GST ASMT - 10
[See rule 99(1)]

Reference No.: ZD3606220398728

Date: 07/06/2022

To

GSTIN: 36AERPK6958C1Z2

Name: RAJESH KUMAR JAYANTILAL KADAKIA

Address: 5-2-223, GOKUL DISTILERY ROAD, SECUNDERABAD, Rangareddy, Telangana,
500003

Tax period: APR 2021 - MAR 2022

F.Y.: 2021-2022

Type of Return: GSTR-9

Act/ Rules Provisions :
GST ACT

Notice for intimating discrepancies in the return after scrutiny

This is to inform that during scrutiny of the return for the tax period referred to above, discrepancies noticed have been mentioned in the attached annexure..

You are hereby directed to explain the reasons for the aforesaid discrepancies by the date mentioned in the table below.

If no explanation is received by the said date, it will be presumed that you have nothing to say in the matter and proceedings in accordance with law may be initiated against you without making any further reference to you in this regard.

Sr. No.	Description	Particulars
1	Section under which notice is issued	61
2	Date by which reply has to be submitted	22/06/2022
3	Date of personal hearing	NA
4	Time of personal hearing	NA
5	Venue where personal hearing will be held	NA

Signature

Name: Vasantha Chivukula Chivukula

Designation: Assistant Commissioner

Jurisdiction: RAMGOPALPET -

RANIGUNJ , Begumpet , Telangana

**GOVERNMENT OF TELANGANA
COMMERCIAL TAX DEPARTMENT**

Attachment to ASMT - 10

DIN	GST/36AERPK6958C1Z2/22
Office details Designation of the assessing officer Unit Division	ASSISTANT COMMISSIONER (ST) RAMGOPALPET-RANIGUNJ BEGUMPET
Details of the Tax payer Name Legal Name GSTIN	Rajesh Kumar Jayanthilal Kadakia RAJESH KUMAR JAYANTILAL KADAKIA 36AERPK6958C1Z2
Financial Year	2021-22

Take notice that you have not filed annual return in GSTR-09 for the financial year 2021-22.

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.**145434.22**
CGST Rs.**145434.22**
Total Rs.**290868.44**

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)	53970323.00	-	-	-
2	Exempt supplies	3.1(c)+3.1(e)	25763343.00	-	-	-
3	Proportion of common ITC which has to be reversed to the extent of exempt supply (2/1 above)		0.477361	-	-	-
4	Common input tax credit	4A+Tran 1+ Tran 2	-	105393.07	105393.07	210786.14
5	ITC to be reversed	[S.No.2]/[S. No.1]X[S.No. 4]	-	50310.54	50310.54	100621.08
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	-	50310.54	50310.54	100621.08

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;		95123.68	95123.68	190247.36
A	Total ineligible ITC u/s 17(5)	-		95123.68	95123.68	190247.36
B	Ineligible ITC declared in GSTR-3B	-	4D.(1)	0.000	0.000	0.000
C	Difference/excess ITC claimed	-		95123.68	95123.68	190247.36

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	145434.22	145434.22	290868.44

(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 61 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 ASMT-11 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.

ASSISTANT COMMISSIONER (ST)

To download response pdf [Click Here](#)

ITC to be reversed on non-business transactions & exempt supplies					Date: 07-06-2022		Rs in Rupees		
GSTIN : 36AERPK6958C1Z2		Name : Rajesh Kumar Jayanthilal Kadakia		FY : 2021-22					
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, 2021	2043984.00	0.00	277.00	277.00	554.00	0.00	0.00	0.00
2	May, 2021	2043984.00	0.00	1365.00	1365.00	2730.00	0.00	0.00	0.00
3	Jun, 2021	2050254.00	6270.00	8472.00	8472.00	16944.00	0.00	0.00	0.00
4	Jul, 2021	2043984.00	0.00	5007.00	5007.00	10014.00	0.00	0.00	0.00
5	Aug, 2021	2043984.00	0.00	42301.63	42301.63	84603.26	0.00	0.00	0.00
6	Sep, 2021	2068645.00	24661.00	2322.73	2322.73	4645.46	0.00	0.00	0.00
7	Oct, 2021	2576104.00	21124.00	2309.00	2309.00	4618.00	0.00	0.00	0.00
8	Nov, 2021	2554980.00	0.00	4158.00	4158.00	8316.00	0.00	0.00	0.00
9	Dec, 2021	2733497.00	25218.00	2300.00	2300.00	4600.00	0.00	0.00	0.00
10	Jan, 2022	2708279.00	0.00	27203.00	27203.00	54406.00	0.00	0.00	0.00
11	Feb, 2022	2708279.00	0.00	3893.00	3893.00	7786.00	0.00	0.00	0.00
12	Mar, 2022	28394349.00	25686070.00	5784.71	5784.71	11569.42	0.00	0.00	0.00
	Total	53970323.00	25763343.00	105393.07	105393.07	210786.14	0.00	0.00	0.00

Note:

Common SGST ITC = Common input tax credit from 4A + Tran 1 + Tran 2 = 105393.07 + 0.00 + 0.00 = 105393.07

SGST Tax = SGST ITC to be reversed {Exempt Supplies / Total Supplies X Common SGST ITC } - SGST ITC reversed as per GSTR-3B

= 50310.54 - 0.00

= 50310.54

Common CGST ITC = Common input tax credit from 4A + Tran 1 + Tran 2 = 105393.07 + 0.00 + 0.00 = 105393.07

CGST Tax = CGST ITC to be reversed {Exempt Supplies / Total Supplies X Common CGST ITC } - CGST ITC reversed as per GSTR-3B

= 50310.54 - 0.00

= 50310.54

Details of Ineligible ITC 17 (5)				Date: 07-06-2022		Rs in Rupees		
GSTIN : 36AERPK6958C1Z2								
Name : Rajesh Kumar Jayanthilal Kadakia		FY : 2021-22						
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, 2021	277.02	277.02	554.04
2	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	May, 2021	163.45	163.45	326.90
3	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Jun, 2021	6898.50	6898.50	13797.00
4	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Jun, 2021	929.00	929.00	1858.00
5	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Jul, 2021	1448.28	1448.28	2896.56
6	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Aug, 2021	41927.94	41927.94	83855.88
7	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Aug, 2021	19.00	19.00	38.00
8	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Sep, 2021	2299.50	2299.50	4599.00
9	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Sep, 2021	32.23	32.23	64.46
10	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Oct, 2021	2299.50	2299.50	4599.00
11	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Oct, 2021	8.15	8.15	16.30
12	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Nov, 2021	2299.50	2299.50	4599.00
13	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Dec, 2021	2299.50	2299.50	4599.00
14	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Dec, 2021	229.05	229.05	458.10
15	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Jan, 2022	29273.54	29273.54	58547.08
16	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Feb, 2022	2299.50	2299.50	4599.00
17	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Feb, 2022	18.05	18.05	36.10
18	MODI PROPERTIES PRIVATE LIMITED	36AABCM4761E1ZM	Works contractors	9954;	Mar, 2022	2299.50	2299.50	4599.00
19	SUMMIT SALES LLP	36ACQFS2044C1Z7	Works contractors	9954;	Mar, 2022	102.47	102.47	204.94
	Total					95123.68	95123.68	190247.36

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 95123.68 - 0.000 or 105393.07
= 95123.68

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 95123.68 - 0.000 or 105393.07
= 95123.68