

Form GST DRC-06

[See rule 142(4)]

Reply to the Show Cause Notice

ARN: ZD360824113334J

Date: 27/08/2024

1. GSTIN	36AERPK6958C1Z2		
2. Name	RAJESH KUMAR JAYANTILAL KADAKIA		
3. Details of Show Cause Notice	Reference No. ZD360522016197J	Date of issue 30/05/2022	
4. Financial Year	2019-2020		
5. Reply	Reply to the SCN is attached		
6. Documents uploaded	Reply in DRC-06.pdf Annexure 1.pdf		
7. Option for personal hearing	☐ Yes	☒ No	

8.Verification-

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my/our knowledge and belief and nothing has been concealed therefrom.

Signature of Authorized Signatory
Name : SOHAMMODI
Designation / Status: Director
Date: 27/08/2024

FORM GST DRC – 06*[See rule 142(4)]***Reply to the Show Cause Notice**

1. GSTIN	36AERPK6958C1Z2	
2. Name	Rajesh Kumar Jayantilal Kadakia	
3. Details of Show Cause Notice	ZD360522016197J	Date of issue: 30-05-2022
4. Financial Year	2019-20	
5. Reply		
Given as Annexure A		
6. Documents uploaded I. Reply to Notice.		
7. Option for personal hearing	Yes- Required	No ☐

8. Verification –

I hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Rajesh Kumar Jayantilal Kadakia

Proprietor

Reply to the Notice:

Rajesh Kumar Jayantilal Kadakia (hereinafter referred as “noticee”) is engaged in renting of commercial property. They are registered with goods and services tax department vide GSTIN NO: 36AERPK6958C1Z2. Noticee herein makes the below submissions.

Submissions

9. Noticee submits that they deny all the allegations made in Show Cause Notice (SCN) as they are not factually/legally correct.

10. Noticee submits that the provisions (including Rules, Notifications & Circulars issued thereunder) of both the CGST Act, 2017 and the Telangana GST Act, 2017 are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act, 2017 would also mean a reference to the same provision under the TGST Act, 2017. Similarly, the provisions of CGST Act, 2017 are adopted by IGST Act, 2017 thereby the reference to CGST provisions be considered for IGST purpose also, wherever arises.

11. Noticee submits that the allegation made by the Show cause Notice dated 31-05-2024 is :

Para No.	Description	Amount
1 and 2	Excess utilization of ITC in GSTR 3B over and above ITC available as per filed GSTR 9. (Rs 5,876 + Rs 2,330)	Rs 8,206
2	Under declaration of Ineligible ITC	Rs. 81,696/-
	Total	Rs. 89,902 /-

Para 1 and 2. Excess utilization of ITC in GSTR 3B over and above ITC available as per filed GSTR 9.

12. This para points out that noticee has claimed excess credit in GSTR 3B over and above credit available for utilization as arrived in GSTR 9.

Tax demand in Para 1

S.No	Issue	Table No. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6
1	Excess claim of ITC declared in GSTR-09	8D	2938.35	2938.35	5876.70

Tax demand in Para 2

S.No	Description	Table No. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6
1	Eligible ITC in GSTR-3B	6A	50566.83	50566.83	101133.66
2	Total ITC availed in GSTR-09	6O-{6K+6L}	51732.00	51732.00	103464.00
3	ITC availed in GSTR-3B in excess of GSTR-09	S.No.2 (-) S. No 1	1165.17	1165.17	2330.34

13. In this regard it is submitted that Para 1 and Para 2 is having overlapping tax demand. On comparison same ITC as per GSTR 3B and GSTR 9, hence creating double tax demands.

14. Further, it is submitted that noticee has claimed credit pertaining to F.Y.2018-19 in F.Y.2019-20 details of such purchase on which ITC has been claimed in F.Y.2019-20 is provided in table 2 below.

Table 1**Amount in rupees.**

Invoice Date	Invoice No.	Party	Taxable Value	CGST	SGST
31-mar-19	MCS52/18-19	Modi Consultancy Services	30,685	2,761	2,761

15. In support of such submission, Tax liability and input comparison report downloaded from the common portal is provided hereunder.

Tax liability and Input comparison report

Tax Period	ITC claimed in GSTR-3B during the month [as per table 4A(4)+4A(5)-4B(1)-4B(2)] *		ITC auto-drafted in GSTR-2A during the month [as per PART-A, PART-B](Excluding RCM supplies)		Shortfall (-) /Excess (+) in ITC (GSTR-3B - GSTR-2A)	
	CGST	SGST	CGST	SGST	CGST	SGST
Apr-19	2,206	2,206	2,206	2,206	-	-
May-19	2,206	2,206	2,206	2,206	-	-
Jun-19	4,052	4,052	4,052	4,052	-	-
Jul-19	7,861	7,861	5,099	5,099	2,762	2,762
Aug-19	2,969	2,969	2,294	2,294	675	675
Sep-19	2,409	2,409	4,434	4,434	-2,025	-2,025
Oct-19	3,759	3,759	2,409	2,409	1,350	1,350
Nov-19	9,827	9,827	9,827	9,827	-	-
Dec-19	3,984	3,984	4,558	4,558	-574	-574
Jan-20	2,983	2,983	2,564	2,564	419	419
Feb-20	2,564	2,564	2,409	2,409	156	156
Mar-20	2,436	2,436	3,425	3,425	-989	-989
Total	47,256	47,256	45,483	45,483	1,773	1,773

16. On examination of extract of tax liability and input comparison report provided above, it is clear that excess credit pertaining to invoice no. MCS52/18-19 dated 31-mar-19 is claimed in GSTR 3B return of June 2019, hence resulting in difference between ITC claimed in GSTR 3B return and ITC available for utilization as arrived in GSTR 9. It is requested to drop all further proceedings in this regards.

Para 3. Under declaration of Ineligible ITC.

17. This para points out that noticee has utilized blocked credits under section 17(5) of CGST Act,2017.

S.No	Commodity/Service	HSN/SAC code	SGST	CGST	IGST	CESS	Total
1	2	3	4	5	6	7	8
1	Works contractors	9954	41309.00	41309.00	0.00	0.00	82618.00

18. In this regard, it is submitted that such credits alleged as works contracts pertains to business administration services availed and credit claimed against such purchase does not fall under the ambit of Section 17(5) of CGST Act,2017. In support of such submission a sample invoice is attached as **Annexure 1**.

19. Noticee has discharged all his liability as pointed out under this notice. It is therefore requested to all further proceedings in this regard.

20. The noticee reserves the right to add, to withdraw, to correct, to change, to delete, to modify any submissions at the time of Personal Hearing in the Principal of Natural Justice.

Rajesh Kumar Jayantilal Kadakia

Proprietor

BILL FOR SERVICES

Modi Properties Pvt Ltd # 5-4-187/3 & 4, II Floor, Soham Mansion, M.G. Road, Secunderabad - 500 003. GSTIN/UID: 36AABCM4761E1ZM State Name : Telangana, Code : 36 CIN: U65993TG1994PTC017795 E-Mail : info@modiproperties.com Buyer (Bill to) Rajesh Kumar Jayantilal Kadakia 2-3-35, Gokul Distileri Raod Ranigunj Secunderabad GSTIN/UID : 36AERPK6958C1Z2 State Name : Telangana, Code : 36	Invoice No.	Dated
	MPIPL/024	30-Apr-19
	Delivery Note	Mode/Terms of Payment
	Reference No. & Date.	Other References
	Buyer's Order No.	Dated
	Dispatch Doc No.	Delivery Note Date
	Dispatched through	Destination
	Terms of Delivery	

SI No.	Particulars	HSN/SAC	Quantity	Rate	per	Amount
1	Management Supervision Charges CGST SGST Less : Rounded Off	997212				21,452.00 1,930.68 1,930.68 (-)0.36
	Total					₹ 25,313.00

Amount Chargeable (in words)

E. & O.E

Indian Rupees Twenty Five Thousand Three Hundred Thirteen Only

HSN/SAC	Taxable Value	CGST		SGST/UTGST		Total Tax Amount
		Rate	Amount	Rate	Amount	
997212	21,452.00	9%	1,930.68	9%	1,930.68	3,861.36
Total	21,452.00		1,930.68		1,930.68	3,861.36

Tax Amount (in words) : **Indian Rupees Three Thousand Eight Hundred Sixty One and Thirty Six paise Only**Company's PAN : **AABCM4761E**

Declaration

Declaration:

Service Tax Category: Real Estate Agent Service

Bank: HDFC Bank Ltd.,
A/c No.: 00422000001120
Branch: Secunderabad
IFSC Code: HDFC0000042

for Modi Properties Pvt Ltd

PLEASE INTIMATE US IF PAID THROUGH ECS

Authorised Signatory

This is a Computer Generated Invoice

BILL FOR SERVICES

Modi Properties Pvt Ltd # 5-4-187/3 & 4, II Floor, Soham Mansion, M.G. Road, Secunderabad - 500 003. GSTIN/UIN: 36AABCM4761E1ZM State Name : Telangana, Code : 36 CIN: U65993TG1994PTC017795 E-Mail : info@modiproperties.com	Invoice No.	Dated
	MPIPL/188	31-Oct-19
	Delivery Note	Mode/Terms of Payment
	Reference No. & Date.	Other References
	Buyer's Order No.	Dated
Buyer (Bill to) Rajesh Kumar Jayantilal Kadakia 2-3-35, Gokul Distileri Raod Ranigunj Secunderabad GSTIN/UIN : 36AERPK6958C1Z2 State Name : Telangana, Code : 36	Dispatch Doc No.	Delivery Note Date
	Dispatched through	Destination
	Terms of Delivery	

SI No.	Particulars	HSN/SAC	Quantity	Rate	per	Amount
1	Management Supervision Charges CGST SGST Rounded Off	997212				4,025.00 362.25 362.25 0.50
	Total					₹ 4,750.00

Amount Chargeable (in words)

E. & O.E

Indian Rupees Four Thousand Seven Hundred Fifty Only

HSN/SAC	Taxable Value	CGST		SGST/UTGST		Total Tax Amount
		Rate	Amount	Rate	Amount	
997212	4,025.00	9%	362.25	9%	362.25	724.50
Total	4,025.00		362.25		362.25	724.50

Tax Amount (in words) : **Indian Rupees Seven Hundred Twenty Four and Fifty paise Only**

Company's PAN : **AABCM4761E**

Declaration

Declaration:

Service Tax Category: Real Estate Agent Service

Bank: HDFC Bank Ltd.,
A/c No.: 00422000001120
Branch: Secunderabad
IFSC Code: HDFC0000042

for Modi Properties Pvt Ltd

PLEASE INTIMATE US IF PAID THROUGH ECS

Authorised Signatory

This is a Computer Generated Invoice

Tax Invoice

SLLP-Logistics 5-4-187/ 3 &4 MG Road GSTIN/UIN: 36ACQFS2044C1Z7 State Name : Telangana, Code : 36 Buyer (Bill to) Rajesh Jayantilal Kadakia H No:- 5-2-223; Dustillery Road; Hyderbasti ; Opp Andhra Bank; Secunderabad GSTIN/UIN : 36AERPK6958C1Z2 State Name : Telangana, Code : 36	Invoice No.	Dated
	SSLOG/1174/19-20	4-Mar-20
	Delivery Note	Mode/Terms of Payment
	Reference No. & Date.	Other References
	Buyer's Order No.	Dated
	Dispatch Doc No.	Delivery Note Date
	Dispatched through	Destination
Terms of Delivery		

SI No.	Particulars	HSN/SAC	Quantity	Rate	per	Amount
1	Registration & Misc Charges @ 18%	997155				300.00
	CGST Output @ 9%			9 %		27.00
	SGST Output @ 9%			9 %		27.00
Total						₹ 354.00

Amount Chargeable (in words)

E. & O.E

Indian Rupees Three Hundred Fifty Four Only

HSN/SAC	Taxable Value	CGST		SGST/UTGST		Total Tax Amount
		Rate	Amount	Rate	Amount	
997155	300.00	9%	27.00	9%	27.00	54.00
Total	300.00		27.00		27.00	54.00

Tax Amount (in words) : **Indian Rupees Fifty Four Only**

Company's PAN : **ACQFS2044C**

Declaration

We declare that this invoice shows the actual price of the goods described and that all particulars are true and correct.

for SLLP-Logistics

Authorised Signatory

This is a Computer Generated Invoice