Form GST DRC-06

[See rule 142(4)]

Reply to the Show Cause Notice

ARN: ZD3612210060180 **Date: 25/11/2021**

1. GSTIN	36AABCM4761E1ZM	
2. Name	MODI PROPERTIES PRIVATE LIMITED	
3. Details of Show Cause Notice	Reference No. ZD3611210030953	Date of issue 12/11/2021
4. Financial Year	2017-2018	
5. Reply		
Please find the attached reply and Annexure's.		
6. Documents uploaded		
Reply to Notice FY 17-18.pdf Annexure 1-2A & 2B.pdf 3. Exempt Supplies ITC Reversal.pdf 4. ITC as per 3B and Portal.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: 25/11/2021

FORM GST DRC – 06

[See rule 142(4)]

Reply to the Show Cause Notice

1.GSTIN	36AABCM4761E1ZM	
2.Name	Modi Properties Private Limited	
3.Details of Show Cause Notice	Ref. No. ZD361121084944B	Date of issue: 12.11.2021
4.Financial Year	2017-18	
5.Reply		
Given as Annexure A		
6.Documents uploaded I. Annexure to DRC-06 II. DRC-03 dated 06-11-2019. ARN No. AD3609190002832 III. Details of Exempt Supply IV. Extract of GST ITC as per 3B and 2A from GSTIN		
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.

MODI PROPERTIES PVT. LTD. SEC'BAD

Signature of Authorised Signatory

MODI PROPERTIES

Reply to the Notice:

M/s. Modi Properties Private Limited (hereinafter referred as "Noticee") is engaged in providing administration services and is registered with Goods and Services Tax department vide GSTIN No: 36AABCM4761E1ZM. In response to the above, Noticee herein makes the below submissions

Submissions

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

2. 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.

In Re: Impugned notice is not valid

3. Noticee submits that the impugned notice has been issued proposing to demand an amount of Rs. 16,25,921 /- towards differences between the amounts declared in GSTR-01, GSTR-3B and GSTR-09 which shows that the issue is relating to discrepancy in returns filed by the Noticee.

4. In this regard, Noticee submits that Section 61 read with Rule 99 specifies that scrutiny of the returns shall be done based on the information available with the proper officer and in case of any discrepancy, he shall issue a notice to the said person in FORM GST ASMT-10, under Rule 99(1), informing him of such discrepancy and seeking his explanation thereto. In case if the explanation provided by the Noticee is satisfactory, then no further action shall be taken in that regard. If the explanation provided is not satisfactory, then the proper officer can initiate appropriate action under Section 73 or Section 74.

5. However, in the instant case Noticee has not received any notice in FORM GST ASMT-10 requiring the Noticee to provide explanation for the discrepancy noticed in the returns. Instead, the proper officer has directly issued Form GST DRC-01 under Section 73 which shows that the impugned notice has been issued without following the procedure prescribed in Section 61 of CGST Act, 2017 and Rule 99 of CGST Rules, 2017.

Notice issued on assumptions and presumptions

6. Noticee submits that impugned SCN was issued with prejudged and premeditated conclusions on various issues raised in the notice. That being a case, issuance of SCN in that fashion is bad in law and requires to be dropped. In this regard, reliance is placed on Oryx Fisheries Pvt. Ltd. V. Union of India — 2011 (266) E.L.T. 422 (S.C.)

7. Noticee submits that the subject SCN is issued based on mere assumption and unwarranted inference, interpretation of the law without considering the intention of the law, documents on record, the scope of activities undertaken, and the nature of activity involved, the incorrect basis of computation, creating its own assumptions, presumptions. Further, they have arrived at the conclusion without actual examination of facts, provisions of the CGST Act, 2017. In this regard, Noticee relies on the decision of the Hon'ble Supreme Court in case **Oudh Sugar Mills Limited v. UOI, 1978 (2) ELT 172 (SC)**

Notice is vague and lack of details

8. Noticee submits that the impugned notice has not given clear reasons as to how the Noticee has availed the irregular credit, therefore, the same is lack of details and hence, becomes invalid. In this regard, reliance is placed on
   a. CCE v. Brindavan Beverages (2007) 213 ELT 487(SC) the Hon'ble Supreme Court held that *"The show cause notice is the foundation on which the department has to build up its case. If the allegations in the show cause notice are not specific and are on the contrary vague, lack details and/or unintelligible that is sufficient to hold that the otice was not given proper opportunity to meet the allegations indicated in the show cause notice."*
   b. Dayamay Enterprise Vs State of Tripura and 3 OR's. 2021 (4) TMI 1203 – Tripura High Court
   c. Mahavir Traders Vs Union of India (2020 (10) TMI 257 – Gujarat High Court)
   d. Teneron Limited Versus Sale Tax Officer Class II/Avato Goods and Service Tax & Anr. (2020 (1) TMI 1165 – Delhi High Court)

MODI PROPERTIES

e. Nissan Motor India Private Limited, Vs the State of Andhra Pradesh, The Assistant Commissioner (CT) (2021 (6) TMI 592 – Andhra Pradesh High Court)

From the invariable decisions of various High Courts, it is clear that the notice without details is not valid and the same needs to be dropped.

9. Noticee further submits that the impugned notice has been issued both for CGST and SGST. However, as per Section 6 of CGST Act, 2017, a separate notice shall be issued for CGST and SGST. This shows that the Notice is issued not in accordance with the law and the same needs to be dropped.

10. Noticee submits that the impugned notice has proposed to demand following amounts

Sl No	Particulars	Amount
A	Tax on Outward Supplies under declared on reconciliation of data in GSTR-09	14,298
B	Excess ITC claimed in GSTR-09 over GSTR-3B	27,196
C	ITC attributable to exempted and non-GST supply under Rule 42 of CGST Rules, 2017	4,90,608
D	ITC availed on restricted supplies under Section 17(5) of CGST Act, 2017	10,93,818
	Total	**16,25,921**

In Re: No under declaration of tax on Outward supplies

11. Noticee submits that the impunged notice has stated that the Noticee has not correctly declared tax on its outward supplies on reconciliations of turnover in GSTR-09.

12. Noticee submits that the amount of tax CGST Rs 7,149 and SGST Rs 7,149 has been already already paid vide DRC-03 dated 06-09-2019. Hence, the demand to that extent needs to be dropped.

In Re: No excess ITC availed in GSTR-3B over GSTR-09

13. Noticee submits that the impugned notice has stated that the Noticee has reversed excess ITC in GSTR-09 when compared with ITC declared as reversed in GSTR-3B which has resulted in underpayment of tax.

MODI PROPERTIES

14. Noticee submits that the amount of ITC CGST Rs 13,598 and SGST Rs 13,598 has been already paid vide DRC-03 dated 06-09-2019. Hence, the demand to that extent needs to be dropped.

In Re: Reversal under Rule 42 is not required for the exempted and non-GST supply declared by the Noticee in the GSTR-09

15. Noticee submits that the impugned notice has stated that the Noticee has declared an amount of Rs.12,92,00,357/- as exempted turnover, however, not reversed any ITC attributable to exempted turnover under Rule 42 and 43 of the CGST Act, 2017. In this regard, impugned notice has proposed to deny ITC of Rs. 4,90,608/- attributable to exempted and non-GST turnover under Rule 42 and 43 of the CGST Act, 2017.

16. In this regard, Noticee submits that the impugned notice is erroneous for the following reasons, thereby, the same needs to be dropped outrightly
    a. Impugned notice has not examined whether the turnover declared in table 5C, 5D, 5E and 5F of GSTR-09 is required to be considered for the purpose of reversal under Rule 42 and 43 of CGST Rules, 2017
    b. Impugned notice has considered the entire ITC availed during the period as the common credit whereas the reversal under Rule 42 ad 43 is required to be made only on common ITC used for provision of both taxable and exempted turnover. Further, the impugned notice has considered the amount declared in table 13 of GSTR-09 for the purpose of Rule 42 reversal which was not at all availed during the period 2018-19

    This shows that the impugned notice has been issued on incorrect basis and the same needs to be dropped.

17. Noticee submits that the details of the turnover declared in table 5C, 5D, 5E and 5F of GSTR-09 are as follows

Sl No in GSTR-09	Nature of supply	Amount
5C	Supplies on which tax is to be paid by the recipient on reverse charge	0
5D	Exempted	12,92,00,357
5E	Nil Rated	0
5F	Non-GST supply (includes 'no supply')	0
Total		**12,92,00,357**

18. With respect to amount declared in Table 5D Exempted supply, Noticee submits that the Noticee is engaged in providing administration services discharging applicable GST on the same.

Following are the items constituting exempt income

Interest Income Earned from banks	6,76,089
Rental Income from Residential Property	41,500
Profits from investments in Partnership Firms	12,84,81,326
Total	

19. In this regard, Noticee submits that Explanation 1 to Rule 43 reads as follows

Explanation 1: -For the purposes of rule 42 and this rule, it is hereby clarified that the aggregate value of exempt supplies shall exclude: -

a. *the value of services by way of accepting deposits, extending loans or advances in so far as the consideration is represented by way of interest or discount, except in case of a banking company or a financial institution including a non-banking financial company, engaged in supplying services by way of accepting deposits, extending loans or advances; and*

Noticee submits that from the above referred explanation, it is clear that the value of services for which the consideration is represented by way of interest or discount shall be excluded from the aggregate value of exempt supplies for the purposes of reversal under Rule 42 and 43 of the CGST Act, 2017. Therefore, there is no requirement to reverse any ITC with respect to interest income received by the Noticee. Hence, the impugned notice to that extent needs to be dropped.

In Re: No ITC availed on restricted credits under Section 17(5)

20. Noticee submits that the impugned notice has alleged that the Noticee has availed an amount of Rs. 10,93,818/- on inputs or input services covered under Section 17(5) of the CGST Act, 2017.

21. In this regard, Noticee submits that total amount of ITC claimed in the F.Y. 2018-19 is Rs 5,83,602/-. It is very absurd and vague to demand reversal of Rs 10,93,818/- as the credit of the same has not been availed. Hence, the impugned notice to that extent be dropped

22. Noticee craves leave to alter, add to and/or amend the above reply.

For Modi Properties Private Limited

SEC'BAD

Authorised Signatory

Annexure to DRC-06

Basic Details

Legal Name : MODI PROPERTIES PRIVATE LIMITED	**Trade Name :** MODI PROPERTIES PRIVATE LIMITED
GSTIN : 36AABCM4761E1ZM	**TIN :**
EMAIL : jayaprakash@modiproperties.com	**Mobile :** 9502288200
SCN Number : GST/36AABCM4761E1ZM/18	**SCN date :** 2021-11-12
Assessment Year : 2017-18	**Address :** 2ND FLOOR,5-4-187/3 AND 4,SOHAM MANSION,M.G ROAD,SECUNDERABAD,\N,Ranga Reddy, 500003

Dealer Response		
1	Do you agree with the proposals in the SCN	○ Agreed ◉ Not Agreed ○ Partially Agreed For a tax determined by the assessing authority to a tune of Rs. **1625921.18** SGST Rs. **812960.59** CGST Rs. **812960.59**
Details of TP's Response		
Sl.	**Contested Issue**	**Reasons for the claim of exemption or lower demand as stated in Response Form/PH**
1A	Amount of tax on taxable supplies declared in GSTR-09 SGST Rs. **7149.08** CGST Rs. **7149.08** ○ Agreed ◉ Not Agreed ○ Partially Agreed SGST Rs. **7149.08** CGST Rs. **7149.08**	**Reason for Not agreed/Partially agreed** ☐ 1. Error in data entry at the time of filing GSTR-09. a. Actual tax amount to be entered. SGST Rs. **-** CGST Rs. **-** ☑ 2. Difference amount already paid in subsequent year by DRC-03 - Amount: 14298.00 ARN No: AD3609190002832 ARN Date: 2019-09-06 3. Difference amount already paid in GSTR-3B of subsequent year for the tax periods

<table>
<tr>
<td>1B</td>
<td>Excess ITC claimed in GSTR-09
SGST Rs. 0
CGST Rs. 0

○ Agreed
○ Not Agreed
○ Partially Agreed

SGST Rs. -
CGST Rs. -</td>
<td>Reason for Not agreed/Partially agreed
☐ 1. GSTR-2A value increased after filing GSTR-09 by Rs. - .
SGST Rs. -
CGST Rs. -

☐ 2. The seller has declared in B2C instead of B2B.
SGST Rs. -
CGST Rs. -

☐ 3. Invoices issued by the seller but not uploaded in his GSTR-01. Rs. -
SGST Rs. -
CGST Rs. -

☐ Difference amount already paid in subsequent year by DRC-03 -.
Amount: - ARN No: - ARN Date: -
Invoice raised on defunct sister concern. -
SGST Rs. -
CGST Rs. -</td>
</tr>
</table>

2(i)	Reconciliation of GSTR-01 with GSTR-09: Amount of supplies in GSTR-01 in excess of supplies declared in GSTR-09 SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Error in data entry at the time of filing GSTR-09. a. Actual tax amount to be entered. SGST Rs. **-** CGST Rs. **-** ☐ 2. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 3. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 4. Invoices uploaded with wrong date. SGST Rs. **-** CGST Rs. **-** ☐ 5. Tax and turnover values wrongly entered but amendments not made for correction. Amount Rs. **-** SGST Rs. **-** CGST Rs. **-** ☐ 6. Credit notes / Amendments related to current year not considered in SCN. Amount Rs. **-** SGST Rs. **-** CGST Rs. **-**

2(ii)	Reconciliation of E-way bill turnover with GSTR-01/GSTR-09: Amount of supplies in EWB in excess of supplies declared in GSTR-01 SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. Tax value wrongly entered in e waybill. ☐ a. Goods are exported out of country without payment of tax, but tax value shown in E-way bill. ☐ b. Goods sent to SEZ units without payment of tax, but tax value shown in E-way bill. ☐ c. Goods are sent on stock transfer basis within the state but tax value shown in E-way bill. ☐ d. Goods are exempted from tax, but by mistake tax value is shown. (Including goods sent for exhibition , goods rejected etc) ☐ e. Data entry mistake of values while generating e waybill. ☐ f. Wrong rate of tax shown in E-way bill. ☐ g. E waybill generated but goods were not sent, failed to cancel the e waybill. ☐ h. Capital goods/ Machinery sent to other project site by a works contractor. ☐ i. Wrong tax shown in e waybill (SGST & CGST instead of IGST or IGST instead of CGST & SGST). ☐ j. Goods sent for job work but tax is shown for complete value of goods instead of job work receipts. Tax liability to be reduced: (Actual tax amount to be entered.) SGST Rs. **-** CGST Rs. **-**

2(iii)	Reconciliation of turnover in GSTR-07 with supplies declared in GSTR-01/GSTR-09 SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☐ 2. TDS deductors deducted higher amount instead of 1% Tax liability to be reduced: (Actual tax amount to be entered.) SGST Rs. **-** CGST Rs. **-** ☐ 3. Supply exempted but tax deducted or supply taxable at lower rate. Tax liability to be reduced: (Actual tax amount to be entered.) SGST Rs. **-** CGST Rs. **-** ☐ 4. TDS amount related to other GSTIN wrongly credited by TDS deductors. Tax liability to be reduced: (Actual tax amount to be entered.) SGST Rs. **-** CGST Rs. **-** ☐ 5. Turnover reported in earlier months but TDS made now Turnover reported **-** SGST Rs. **-** CGST Rs. **-**

<table>
<tr>
<td>2(iv)</td>
<td>Reconciliation of turnover in GSTR-08 with supplies declared in GSTR-01/GSTR-09
SGST Rs. 0
CGST Rs. 0

○ Agreed
○ Not Agreed
○ Partially Agreed

SGST Rs. -
CGST Rs. -</td>
<td>Reason for Not agreed/Partially agreed
☐ 1. Difference amount already paid in subsequent year by DRC-03 -
Amount: - ARN No: - ARN Date: -

☐ 2. TCS collectors deducted higher amount instead of 2%
Tax liability to be reduced: (Actual tax amount to be entered.)
SGST Rs. -
CGST Rs. -

☐
3. Supply exempted but tax deducted or supply taxable at lower rate.
Tax liability to be reduced: (Actual tax amount to be entered.)
SGST Rs. -
CGST Rs. -

☐
4. TCS amount related to other GSTIN wrongly credited by TCS collectors.
Tax liability to be reduced: (Actual tax amount to be entered.)
SGST Rs. -
CGST Rs. -</td>
</tr>
</table>

3(i)	Excess ITC claimed in GSTR-3B compared with GSTR-09 SGST Rs. **13598.00** CGST Rs. **13598.00** ○ Agreed ◉ Not Agreed ○ Partially Agreed SGST Rs. **13598.00** CGST Rs. **13598.00**	**Reason for Not agreed/Partially agreed** ☑ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: 27196.00 ARN No: AD3609190002832 ARN Date: 2019-09-06 ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. The difference Excess ITC is reversed in subsequent years GSTR 3B but not declared in GSTR-09: SGST Rs. **-** CGST Rs. **-** ☐ 4. Calculation is show cause notice is errorneous as Actual SGST Rs. **-** Actual CGST Rs. **-** ☐ 5. Box 6-O of GSTR-09 left unfilled, hence variation. SGST Rs. **-** CGST Rs. **-**

3(ii)	Excess ITC reversed in GSTR-09 over and above reversed in GSTR-3B SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. The difference Excess ITC/TRAN-1 is reversed in subsequent years GSTR 3B but not declared in GSTR-09: SGST Rs. **-** CGST Rs. **-** ☐ 4. Calculation is show cause notice is errorneous as Actual SGST Rs. **-** Actual CGST Rs. **-**

3(iii)	Excess claim of TRAN-1 credit SGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: **-** ARN No: **-** ARN Date: **-** ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. Tran 1 credit reversed in subsequent months GSTR 3B: Month: SGST : **-** ☐ 4. The difference related to other reasons: ☐ a. The difference is related to transitional credit under section 140(5) (i.e inputs received after appointed date but tax paid under existing law): ☐ b. The difference is related to Transitional credit related to May 2014 NCCF: ☐ c. The difference is related to refund applied but not given , which is taken as transitional credit: ☐ d. VAT paid on TDS certificates not received , but TDS certificates received later: ☐ e. Transition credit on tax paid on stocks held by Work contractor paying tax under composition scheme (Section 140(6)) ☐ f. Transition credit on tax paid on stocks held by TOT dealer (Section 140 (6)) ☐ g. Credit claimed under Section 140(4) i.e tax paid on duty free goods by a registered person under existing law ☐ h. Credit claimed under Section 140(3) i.e an unregistered person liable to be registered under GST. ☐ i. Revised return filed wrongly no variation found during audit. The total difference related to other reasons SGST :-

3(iv)	ITC to be recovered on non-business transactions & exempt supplies SGST Rs. **245304.13** CGST Rs. **245304.13** ○ Agreed ◉ Not Agreed ○ Partially Agreed SGST Rs. **245304.13** CGST Rs. **245304.13**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. ITC related to specific input & input services is incorrect (Other than capital goods): Taxable value of input Rs. **-** Taxable value of output Rs. **-** SGST ITC Rs. **-** CGST ITC Rs. **-** ☐ 4. ITC related to capital goods Taxable value against which ITC availed in current year Rs. **-** SGST ITC Rs. **-** CGST ITC Rs. **-** ☐ 5. Exempted turnover value is incorrect: Correct Turnover: **-** ☐ 6. Total turnover is incorrect: Corrrect Turnover: **-** ☑ 7. Exempt turnover adopted incorrectly: Adopted Turnover: **129200357** Actual Turnover: **0** Enclose documentary evidence of excel sheet of such invoices. Click Here * Reasons: 1. Supply made in VAT but amount received during GST regime accounted for the books under Accounting Standard AS9 (Revenue Reconciliation). 2. Specify other reasons.

<table>
<tr>
<td>3(v)</td>
<td>Ineligible ITC
SGST Rs. 546909.38
CGST Rs. 546909.38

○ Agreed
◉ Not Agreed
○ Partially Agreed

SGST Rs. 546909.38
CGST Rs. 546909.38</td>
<td>Reason for Not agreed/Partially agreed
☐ 1. Difference amount already paid in subsequent year by DRC-03 -
Amount: - ARN No: - ARN Date: -

☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods

☐ 3. ITC claimed on goods under the exception to 17(5) as the assessee is in the business of supply of same goods or services or for other eligible supplies.
Value of purchases Rs. -
Value of supplies -
SGST ITC Rs. -
CGST ITC Rs. -

Reasons to be incorporated in the above table:
☐ a. Work contract services availed for construction of plant and achinery
☐ b. Goods/ services utilised for construction of plant and machinery
☐ c. Insurance services availed for other purpose not listed in 17(5) i.e health insurance or life insurance
☐ d. Travel benefit extended to employees for business purpose
☐ e. Supplies utilised for further outward supply of same goods or services.
☐ f. Motor vehicles/vessel/ aircraft (Purchase , lease ,rent ,hire) used for transportation of passengers
☐ g. Motor vehicles/vessel/ aircraft (Purchase , lease ,rent ,hire) used for training purpose.
☐ h. Vessel/Aircraft is used for transportation of goods
☐ i. motor vehicles is not a vehicle for transportation of persons having approved seating capacity of not more than thirteen persons
☐ j. Spare parts and insurance related to motor vehicles/vessels/aircraft used for making further taxable services(training/transportation of passengers etc)
☐ 4. Goods/services do not fall under same HSN/SAC of goods or services specified in section 17(5)
Actual SGST ITC -
Actual CGST ITC -

5. ITC claimed is net of input tax on ineligible goods/services.
i. Total ITC as per GSTR-2A is Rs. 2440867.00 .
ii. Ineligible ITC as per 17(5) is Rs. 1039818.00
iii. ITC claimed is Rs. 583602.00 .</td>
</tr>
</table>

3(vi)	Invalid ITC under Sec 16(4) SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ . Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods ☐ 3. Actual date of filing of return was considered erroneously. ☐ 4. Proviso to Sec 16(4) is not applicable to the present assessment year.
3(vii)	ITC claimed from cancelled dealers return defaulters and tax non-payers SGST Rs. **0** CGST Rs. **0** ○ Agreed ○ Not Agreed ○ Partially Agreed SGST Rs. **-** CGST Rs. **-**	**Reason for Not agreed/Partially agreed** ☐ 1. Difference amount already paid in subsequent year by DRC-03 - Amount: - ARN No: - ARN Date: - ☑ 2. Difference amount already paid in GSTR-3B of subsequent year for the tax periods 3. The Supplier filed return after issuance of notice: **Reasons to be incorporated** ☐ a. Supplier registration cancelled before date of invoice. ☐ b. Supplier failed to file GSTR-3B. ☐ c. Supplier filed GSTR-3B with Nil turnover. ☐ d. Supplier filed GSTR-3B with turnover did not declare entire tax as in GSTR-01.

Liabilities on Output to be paid

Particulars	**Taxable Value**	**IGST**	**CGST**	**SGST**	**Total Tax**
Output as per Books:					
1.B2B	1,56,05,349	-	14,04,481	14,04,481	28,08,961
2.B2C	72,96,742	-	6,56,707	6,56,707	13,13,414
Add:					
Transactions on which Liability is to be discharged	79,640	-	7,168	7,168	14,335
Less:					
Output as per GSTR 3B	2,29,02,083	-	20,61,206	20,61,206	41,22,412
Net	79,648	-	7,149	7,149	14,298
Interest payable		-	1,956	1,956	3,912
Total	***79,648***	***-***	***9,105***	***9,105***	***18,210***

Liabilities on Input to be paid

Particulars	Taxable Value	IGST	CGST	SGST	Total Tax
As per Books	34,13,653	11,340	2,72,682	2,72,682	5,56,704
Less					
Blocked credits u/s 17(5)	59,238	-	7,429	7,429	14,859
Input available for availment - A	33,54,415	11,340	2,65,253	2,65,253	5,41,845
Input availed in FY 2017-18		25,900	2,78,851	2,78,851	5,83,602
Less:					
Input of FY 2017-18 reversed FY 2018-19		14,560	648	648	15,856
Net Input availed		11,340	2,78,203	2,78,203	5,67,746
Difference (B-A)		-	12,951	12,951	25,901
Interest		3,495	4,910	4,910	13,316
Total		***3,495***	***17,861***	***17,861***	***39,217***

Blocked Credits

				59,238	-	7,429	7,429
Date	Ledger	Particulars	Voucher No.	Taxable Value	IGST	CGST	SGST
14-10-2017	Promotions and Other Charges 12%	Priyanka Printers	109	9,200	-	552	552
11-12-2017	Admin & Other Charges 12%	Priyanka Printers	150	1,600	-	96	96
13-10-2017	Vehicle Maintenance - 4Wheelers - 28%	360 Degree Wheels	106	48,438	-	6,781	6,781

Interest calculation till 16-08-2019

Income on which Tax has to be disharged

Date	Ledger	Particulars	Voucher No.	Taxable Value	IGST	CGST	SGST	Due date	Difference on days	IGST	CGST	SGST
				79,640	-	7,168	7,168			-	1,956	1,956
28-12-2017	Misc Receipts	Yes bank Ltd	BR/2000	55,000	-	4,950	4,950	22-01-2018	571	-	1,394	1,394
02-02-2018	Mr. Mohit Agarwal Supervisio Charges	Yes bank Ltd	BR/2281	12,320	-	1,109	1,109	20-03-2018	514	-	281	281
07-02-2018	Mr. Mohit Agarwal Supervisio Charges	Yes bank Ltd	BR/2329	12,320	-	1,109	1,109	20-03-2018	514	-	281	281

Interest Excess availment of GST Input Credit Interest calculated till 16-08-2019

Due date	Month	As per 3B				As Per Tally				Difference (Tally - GSTR 3B)				Interest			
		IGST	CGST	SGST	Total	IGST	CGST	SGST	Total	IGST	CGST	SGST	Total	IGST	CGST	SGST	Total
28-Aug-17	JULY	-	1,652	1,652	3,304	1,260	1,022	1,022	3,305	(1,260)	630	630	(1)	-446	223	223	0
20-Sep-17	AUGUST	1,260	36,322	36,322	73,904	1,260	26,803	26,803	54,866	-	9,519	9,519	19,038	0	3262	3262	6525
20-Oct-17	SEPTEMBER	-	11,904	11,904	23,808	-	11,959	11,959	23,918	-	(55)	(55)	(110)	0	-18	-18	-36
20-Nov-17	OCTOBER	1,260	26,979	26,979	55,218	1,260	21,700	21,700	44,660	-	5,279	5,279	10,558	0	1651	1651	3301
20-Dec-17	NOVEMBER	1,260	19,554	19,554	40,368	1,260	16,699	16,699	34,658	-	2,855	2,855	5,710	0	850	850	1701
22-Jan-18	DECEMBER	2,520	27,867	27,867	58,254	2,520	27,867	27,867	58,254	-	(0)	(0)	(0)	0	0	0	0
20-Feb-18	JANUARY	-	24,776	24,776	49,552	-	24,692	24,692	49,383	-	84	84	169	0	23	23	45
20-Mar-18	FEBRUARY	12,600	23,335	23,335	59,270	1,260	20,719	20,719	42,698	11,340	2,616	2,616	16,572	2874	663	663	4201
20-Apr-18	MARCH	7,000	1,06,462	1,06,462	2,19,924	2,520	1,13,782	1,13,782	2,30,083	4,480	(7,320)	(7,320)	(10,159)	1067	-1743	-1743	-2420
	Total	**25,900**	**2,78,851**	**2,78,851**	**5,83,602**	**11,340**	**2,65,243**	**2,65,243**	**5,41,826**	**14,560**	**13,608**	**13,608**	**41,776**	**3,495**	**4,910**	**4,910**	**13,316**

Interest on delayed payment of Tax

Particulars	Month	Taxable Value	IGST	CGST	SGST	Cess	Due Date	Return Filed Date	Delay in No. of days	IGST	CGST	SGST	Cess
Payable Cash	Jul-17		-	32,319	32,319	-	28-08-2017	02-09-2017	5	-	80	80	-
Payable Cash	Aug-17		-	900	2,160	-	20-09-2017	12-10-2017	22	-	10	23	-
Payable Cash	Sep-17		-	27,611	27,611	-	20-10-2017	07-11-2017	18	-	245	245	-
Payable Cash	Oct-17		-	25,785	27,045	-	20-11-2017	05-01-2018	46	-	585	614	-
Payable Cash	Nov-17		-	20,766	22,026	-	20-12-2017	05-01-2018	16	-	164	174	-
Payable Cash	Dec-17		-	-	-	-	22-01-2018	17-01-2018	0	-	-	-	-
Payable Cash	Jan-18		-	38,815	40,705	-	20-02-2018	26-02-2018	6	-	115	120	-
Payable Cash	Feb-18		-	15,35,847	15,48,447	-	20-03-2018	12-04-2018	23	-	17,420	17,563	-
Payable Cash	Mar-18		-	74,727	81,727	-	20-04-2018	02-05-2018	12	-	442	484	-
										-	19,061	19,303	-

FORM GST DRC - 03

[See rule 142(2)&142(3)]

Intimation of payment made voluntarily or made against the show cause notice (SCN) or statement

1.	GSTIN	36AABCM4761E1ZM	
2.	Name	MODI PROPERTIES PRIVATE LIMITED	
3.	Cause of Payment	Voluntary	
4.	Section under which voluntary payment is made	73(5) Voluntary	
5.	Details of show cause notice, if payment is made within 30 days of its issue	Reference No.: N.A.	Date Of issue : N.A.
6.	Financial Year	2017-2018	
7.	Details of payment made including interest and penalty, if applicable (Amount in Rs.)		

Sr. No	Tax Period	Act	Place of supply (POS)	Tax/ Cess	Interest	Penalty, if applicable	Others	Total	Ledger utilised (Cash / Credit)	Debit entry no.	Date of debit entry
1	JUL 2017-JUL 2017	CGST	Telangana	630.00	303.00	0	0	933.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
2	JUL 2017-JUL 2017	SGST	Telangana	630.00	303.00	0	0	933.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
3	AUG 2017-AUG 2017	CGST	Telangana	9,464.00	3,273.00	0	0	12,737.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
4	AUG 2017-	SGST	Telangana	9,464.00	3,286.00	0	0	12,750.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019

	AUG 2017										
5	SEP 2017-SEP 2017	CGST	Telangana	3,515.00	245.00	0	0	3,760.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
6	SEP 2017-SEP 2017	SGST	Telangana	3,515.00	245.00	0	0	3,760.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
7	OCT 2017-OCT 2017	CGST	Telangana	0	2,010.00	0	0	2,010.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
8	OCT 2017-OCT 2017	SGST	Telangana	0	2,039.00	0	0	2,039.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
9	NOV 2017-NOV 2017	CGST	Telangana	0	164.00	0	0	164.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
10	NOV 2017-NOV 2017	SGST	Telangana	0	174.00	0	0	174.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
11	DEC 2017-DEC 2017	CGST	Telangana	4,950.00	1,394.00	0	0	6,344.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
12	DEC 2017-DEC	SGST	Telangana	4,950.00	1,394.00	0	0	6,344.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019

	2017										
13	JAN 2018- JAN 2018	CGST	Telangana	0	115.00	0	0	115.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
14	JAN 2018- JAN 2018	SGST	Telangana	0	120.00	0	0	120.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
15	FEB 2018- FEB 2018	CGST	Telangana	2,218.00	17,982.00	0	0	20,200.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
16	FEB 2018- FEB 2018	SGST	Telangana	2,218.00	18,125.00	0	0	20,343.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
17	FEB 2018- FEB 2018	IGST	Karnataka	0	2,428.00	0	0	2,428.00	cash	DC3609190002798	03/09/2019
18	MAR 2018- MAR 2018	CGST	Telangana	0	442.00	0	0	442.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
19	MAR 2018- MAR 2018	SGST	Telangana	0	484.00	0	0	484.00	cash/ credit	DC3609190002798/ DI3609190001386	03/09/2019
20	MAR 2018- MAR 2018	IGST	Karnataka	0	1,067.00	0	0	1,067.00	cash	DC3609190002798	03/09/2019

8.Reasons, if any-

9.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.

Signature of Authorized Signatory
Name: SOHAMMODI
Designation / Status: DIRECTOR
Date: 06/09/2019

Break-up of Total-supplies made during Financial Year -2017-18

S No	Ledger Name (Tally)	April 17 - June 17	July 17- March 18	Total	Taxability
1	Service tax @ 14.5%	6,14,115	2,29,83,165	2,35,97,280	Taxable
2	Interest on FD	26,090	6,76,089	7,02,179	Exempt
3	Rental Income from Residential property	3,500	41,500	45,000	Exempt
4	Profit from Firms	-	12,84,81,326	12,84,81,326	Exempt
6	Profit on sale of car	10,56,867	-	10,56,867	Pre-GST
	TOTAL	17,00,572	15,21,82,080	15,38,82,652	

Extract of Financial Statements.

MODI PROPERTIES PRIVATE LIMITED

Profit and Loss for the year ended 31st March, 2018

(in `)

	Particulars	Note No.	As at 31st March, 2018		As at 31st March, 2017	
	INCOME :					
I.	Revenue from operations	16	23,597,280			
II.	Other income	17	130,285,412		6,340,110	
III.	**Total Revenue(I+II)**			153,882,692	25,692,582	32,032,692
IV.	**EXPENSES :**					
	Employee benefits expense	18	3,344,747			
	Finance costs	19	685,295		2,693,156	
	Depreciation	7	1,675,466		691,319	
	Share of loss from partnership firms	20	15,451 490		3,548,009	
	Other expenses	21	8,637,761		4,217,511	
	Total expenses			29,744,259	4,650,559	13,800,553
V.	**Profit before tax**			124,138,433		18,232,139
VI.	Tax expense:					
	(1) Current tax		2,264,914			
	(2) Income tax earliers				-	
	(3) Deferred tax		-895,172		501,287	
					-564,204	
VII.	**Net Profit for the period(V-VI)**			1,369,742		-62,917
				122,768,691		18,304,016
VIII.	Earnings per equity share:					
	(1) Basic			13,315		1,985
	Significant Accounting Policies	1				
	Nottes to Financial Statements	1 to 22				

As per my Report of even data

(Ajay Mehta)
Chartered Accountants
M.NO.035449
Place : Secunderabad
Date : 25-09-2018

AJAY MEHTA Chartered Accountant M.No.035449 SECUNDERABAD

For and on behalf of the Board

(Soham Modi)
Managing Drector

(Tejal Modi)
Director

MODI PROPERTIES PRIVATE LIMITED
Notes on Financial Statements for the Year ended 31st March, 2018

(in ')

16	Revenue from Operations	Grouping No.	As at 31st March, 2018	As at 31st March, 2017
	Management Supervision/Service charges	14	4,298,731	1,255,110
	Royalty/Consultancy charges	15	16,900,000	3,600,000
	Admin Expenses& Maintainance reimbursement	16	2,398,549	1,485,000
	Total		23,597,280	6,340,110

(in ')

17	Other Income	Grouping No.	As at 31st March, 2018	As at 31st March, 2017
	Income from Non current investments			
	a) Interest Income			
	From Loans and deposits		-	-
	From FDRs		702,179	213,178
	b) Others			
	Interest on IT refund		-	24,355
	Bad debits / credits written off		-	2,547
	Rental income		45,000	80,000
	Prior Period items		-	7,119
	Rounding offs		40	5
	Profit on sale of Flats			291,675
	Profit on sale of vehicle(Merceds)		1,056,867	-
	Share of Profit from Partnership Firms	17	128,481,326	25,073,704
	Miscellaneous Income		-	-
	Total		130,285,412	25,692,582

In this regard, we submit that the impugned notice is erroneous for the following reasons, thereby, the same needs to be dropped outrightly

a. Impugned notice has not examined whether the turnover declared in table 5C, 5D, 5E and 5F of GSTR-09 is required to be considered for the purpose of reversal under Rule 42 and 43 of CGST Rules, 2017
b. Impugned notice has considered the entire ITC availed during the period as the common credit whereas the reversal under Rule 42 ad 43 is required to be made only on common ITC used for provision of both taxable and exempted turnover. Further, the impugned notice has considered the amount declared in table 13 of GSTR-09 for the purpose of Rule 42 reversal which was not at all availed during the period 2018-19

This shows that the impugned notice has been issued on incorrect basis and the same needs to be dropped.

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Goods and Services Tax

MODI PROPERTIES PRI
36AABCM4761E1ZM

Dashboard > Returns > Credit and Liability Statement

English

HELP

GSTIN - 36AABCM4761E1ZM

FY - 2017-18

Legal Name - MODI PROPERTIES PRIVATE LIMITED

Report last updated on - 01/09/2020 12:30 PM

Trade Name - MODI PROPERTIES PRIVATE LIMITED

Amounts in (₹)

Tax liability and ITC statement (Summary)

Tax Period	Tax liability as per GSTR-1 and as per GSTR-3B [As per report no. 1 & 3]		ITC claimed in GSTR-3B and accrued as per GSTR-2A [As per report no. 4]	
	As per GSTR-1	As per GSTR-3B	As per GSTR-3B	As per GSTR-2A
Apr-17				
May-17				
Jun-17				
Jul-17	65,938.14	67,942.00	3,304.00	23,557.92
Aug-17	0.00	76,964.00	73,904.00	37,630.46
Sep-17	1,49,746.14	79,030.00	23,808.00	37,556.98
Oct-17	1,14,258.26	1,08,048.00	55,218.00	43,627.25
Nov-17	83,159.64	83,160.00	40,368.00	39,685.68
Dec-17	56,363.94	56,364.00	58,254.00	18,96,667.25
Jan-18	1,30,961.88	1,30,962.00	49,552.00	51,447.88
Feb-18	31,43,564.82	31,43,564.00	59,270.00	25,930.82
Mar-18	3,76,377.30	3,76,378.00	2,19,924.00	2,84,763.02
Total	**41,20,370.12**	**41,22,412.00**	**5,83,602.00**	**24,40,867.26**

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