



H N A & Co LLP **Chartered Accountants**

(Formerly known as Hiregange & Associates LLP)

Date:28-03-2025

To

**The Additional/ Joint Commissioner (Appeals-II) of Central Tax,
Hqrs Office, 7th Floor, L.B. stadium, Basheerbagh, Hyderabad-500004**

Dear Sir,

Sub: Request for withdrawal of APL-01 vide Appeal no.343/2024(SC)GST

Ref:

- a) Personal Hearing intimation received through mail and attended on 18-02-2025.
 - b) Appeal filed against the order received in form vide OIO Reference No. 23/2024-25 (GST Adjn) dated 19.04.2024 pertaining to M/s. Nilgiri Estates on 27-08-2024 physically to the department.
 - c) Order-In-Original issued vide Reference No. 23/2024-25 (GST-Adjn) dated 19.04.2024 pertaining to M/s. Nilgiri Estates for the FY 2018-19.
 - d) GSTIN: 36AAHFN0766F1ZA.
1. With reference to the above, we have been authorized by M/s. Nilgiri Estates to submit an appeal against the above-referred Order Dated 19.04.2024 but received on 24.04.2024 to represent before your good office and to do necessary correspondences in the above referred matter. A copy of the authorization along with proof of receipt of order is attached to the appeal.
 2. In above response we have filed an appeal in Form APL-01 against the OIO against above referred along with the relevant supporting documents. Further, we have also received the personal hearing intimation asking us to appear before your good self and we have attended the same on 18-02-2025.
 3. In this regard, we would like to bring to your knowledge that we have made the payment against the tax amount demanded in the order through the DRC-03 dated 16-10-2020 & 07-01-2020 and for the interest and penalty amount demanded in the order we would like to take the benefit as referred under section 128A.
 4. Further we would like to submit that we are withdrawing the appeal that we have filed against the appeal against order received in form vide OIO Reference No. 23/2024-25 (GST-Adjn)

4th Floor, West Block, Srida Anushka Pride, R.No. 12, Banjara Hills, Hyderabad,
Telangana - 500 034. INDIA.

040 2331 8128, 3516 2881

sudhir@hnaindia.com

www.hnallp.com

Bengaluru | Hyderabad | Visakhapatnam | Gurugram (NCR) | Mumbai | Pune | Chennai | Guwahati |
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dated 19.04.2024 pertaining to M/s. Nilgiri Estates on 27-08-2024 physically to the department. As we have discharged the tax liability and for interest and penalty, we have relied on section 128A.

5. Hence, we would request your good self to consider the above submissions and drop further proceedings in this regard. We hope for a positive response in this regard.
6. We request you to kindly make a note that we are not agreeing for the demand confirmed in the above-referred order but the payment is made considering the amount involved. This payment cannot be considered as accepting the demand on merits and we reserve the right to contest the issue in subsequent years.

We sincerely regret the inconvenience caused to you in this regard. Kindly acknowledge the receipt of the above and do the needful.

Thanking You
Yours truly

For M/s. H N A & Co. LLP.
Chartered Accountants

LAKSHMAN
KUMAR KADALI

Digitally signed by
LAKSHMAN KUMAR KADALI
Date: 2025.03.28 18:06:06
+05'30'

CA Lakshman Kumar K
Partner



Enclosures:

1. OIO Reference No-23/2024-25 (GST Adjn) dated 19.04.2024
2. Personal hearing record dated 18-02-2020
3. DRC-03 dated 16-010-2020 & 07-01-2020

**BEFORE THE ADDITIONAL COMMISSIONER / JOINT COMMISSIONER
(APPEALS -II) OF CENTRAL TAX, HQRS OFFICE, 7TH FLOOR, L.B. STADIUM,
BASHEERBAGH, HYDERABAD - 500004.**

Sub: Filing of Appeal against Order-in-Original vide OIO: 23/2024-25 (GST-Adjn) dated 19.04.2024 in the case of M/s. Nilgiri Estates.

I, SOHAM MODI, PARTNER of M/s. Nilgiri Estates, hereby authorizes and appoint H N A & Co. LLP, Chartered Accountants, Bangalore or their partners and qualified staff who are authorized to act as an authorized representative under the relevant provisions of the law, to do all or any of the following acts: -

- a. To act, appear and plead in the above-noted proceedings before the above authorities or any other authorities before whom the same may be posted or heard and to file and take back documents.
- b. To sign, file verify, and present pleadings, applications, appeals, cross-objections, revision, restoration, withdrawal, and compromise applications, replies, objections and affidavits etc., as may be deemed necessary or proper in the above proceedings from time to time.
- c. To Sub-delegate all or any of the aforesaid powers to any other representative and I/Appellant do hereby agree to ratify and confirm acts done by our above-authorized representative or his substitute in the matter as my/our own acts as if done by me/us for all intents and purposes.

This authorization will remain in force till it is duly revoked by me/us
Executed this on 26.08.2024 at Hyderabad

Signature

I, the undersigned partner of M/s H N A & Co. LLP, Chartered Accountants, do hereby declare that the said M/s H N A & Co. LLP is a registered firm of Chartered Accountants, and all its partners are Chartered Accountants holding certificate of practice and duly qualified to represent in above proceedings under Section 116 of the CGST Act, 2017. I accept the above-said appointment on behalf of M/s H N A & Co. LLP. The firm will represent through any one or more of its partners or Staff members who are qualified to represent before the above authorities.

Dated: 26.08.2024

Address for service:

**H N A & Co. LLP
Chartered Accountants,
4th Floor, West Block, Anushka Pride,
above Lawrence & Mayo,
Road Number 12, Banjara Hills,
Hyderabad, Telangana 500034.**

**For HNA & Co. LLP
Chartered Accountants**

**Lakshman Kumar K
Partner (M.No. 241726)**

I, Partner/employee/associate of M/s H N A & Co. LLP duly qualified to represent in above proceedings in terms of the relevant law, also accept the above said authorization and appointment.

Sl No.	Name	Qualification	Mem. /Roll No.	Signature
1	Sudhir V S	CA	219109	
2	Venkata Prasad P	CA/LLB	AP/3511/2023	
3	Srimannarayana S	CA	261612	
4	Akash Heda	CA	269711	
5	P. Manikanta	CA	277705	



		
केन्द्रीयकरसहायक आयुक्त कार्यालय,सिकंदरावादमालएवमसेवाकरमण्डल, सिकंदरावाद।		
OFFICE OF THE ASSISTANT COMMISSIONER OF CENTRAL TAX, SECUNDERABAD GST DIVISION, SECUNDERABAD		
SALIK SENATE, D.No: 2-4-416 & 417, RAMGOPALPET, M.G. ROAD, SECUNDERABAD- 500 003		
Phone 7901243130		E-mail- cgst.secdiv@gov.in

C.No.GEXCOM/ADJN/GST/2916/2023-CGST-DIV-SNBD-COMMRTE-SECUNDERABAD

दिनांक/Date: 19.04.2024

DIN: 20240456YO000000E212

ORDER-IN-ORIGINAL No.23/2024-25 (GST-Adjn)(Passed by Shri R.Satyanarayana, I.R.S., Assistant Commissioner of Central Tax,
Secunderabad GST Division)**PREAMBLE**

1. This copy is granted free of charge for the private use of persons to whom it is issued.

इसे जिस व्यक्तिको जारी किया गया है यह प्रतिनिजी प्रयोग केलिए विना मूल्यके दीजातीहै।

2. Under Section 107(1) of the Central Goods and Service Act, 2017 any person aggrieved by this order can prefer appeal within three months from the date of communication of such order to the Joint Commissioner (Appeals), Hqrs Office, 7th floor, L.B. Stadium Road, Basheerbagh, Hyderabad-4.

कोईभी व्यक्ति जो केंद्रीयवस्तु एवम सेवा करअधिनियम, 2017 की धारा107 (1) केतहत, इस आदेश से दुखी होताहोतो वह ऐसे आदेश के विरुद्ध संयुक्त आयुक्त (अपील), मुख्यालय कार्यालय, सातवीं मंजिल, जी.एस.टी भवन, एल.बी स्टेडियम रोड, बशीरबाग, हैदराबाद -500 004 के समक्ष इस आदेश के सूचित होनेके तीन माह के अंदर अपील दर्ज कर सकताहै।

3. Appeals shall be filed in **FORM GST APL-01** prescribed under Rule 108 of Central Goods and Service Tax Rules, 2017.

केंद्रीयवस्तु एवम सेवा कर नियम, 2017 केनियम108 केतहतनिर्धारितफॉर्मGST APL-01 मेंअपीलदायरकीजाएगी।

4. The grounds of appeal and form of verification as contained in Form GST APL 01 shall be signed in the manner specified in rule 26 of Central Goods and Service Tax Rules, 2017

अपीलकाआधारऔरफॉर्मकेसत्यापनकेरूपमेंफॉर्मजीएसटीएपीएल01 मेंनिहितहै, केंद्रीयसामानऔरसेवाकर नियम, 2017 केनियम26 मेंनिर्दिष्टरीकेसेहस्ताक्षरकिजाएंगे।

5. A certified copy of the decision or order appealed against shall be submitted within seven days of filing appeal under sub rule 1 of 108 of Central Goods and Service Tax Rules, 2017.

केंद्रीयवस्तु एवम सेवाकर नियम, 2017 के108 केउपनियम1 केतहतअपीलभरनेकेसातदिनोंकेभीतरआदेशकीप्रमाणितप्रतिप्रस्तुतकीजाएगी।

6. As per Section 107(6) of CGST Act, 2017, no appeal shall be filed under Section 107(1) of CGST Act, 2017 unless the appellant has paid—

(a) in full, such part of the amount of tax, interest, fine, fee and penalty arising from the impugned order, as is admitted by him; and

(b) a sum equal to ten per cent of the remaining amount of tax in dispute arising from the said order, in relation to which the appeal has been filed.

केंद्रीयवस्तु एवम सेवाकरअधिनियम, 2017कीधारा 107 (6) केअनुसार, अपीलकर्तानिकेंद्रीयवस्तु एवम सेवाकरअधिनियम, 2017कीधारा 107 (1) केतहतकोईअपीलदायरनहींकीजाएगी, जबतककिअपीलकर्तानेभुगताननहींकियाहो-

26/00
973/14



(ए) पूर्णरूपसे, लगाए गए आदेश से उत्पन्न कर, व्याज, जुर्माना, शुल्क और जुर्माना की राशि का ऐसा हिस्सा, जैसा कि उसके द्वारा स्वीकार किया गया है; तथा

(बी) दस प्रतिशत के बराबर राशि। उक्त आदेश से उत्पन्न विवाद में कर की शेष राशि, जिसके संबंध में अपील दायर की गई है।

Sub: GST-On account of discrepancies observed during verification of Returns filed by M/S NILGIRI ESTATES (GSTIN: 36AAHFN0766F1ZA) for the FY 2018-19- Order-in-Original – Regarding.

M/S NILGIRI ESTATES (here-in-after referred to as "Taxpayer"), situated at 2nd FLOOR, 5-4-187/3 AND 4, SOHAM MANSION, MG ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003, is registered with the Centre GST Department with (GSTIN: 36AAHFN0766F1ZA) for the purpose of payment of GST and falls under the jurisdiction of Ramgopalpet-II CGST Range, Secunderabad GST Division, Secunderabad GST Commissionerate. Their business activities are 'WORKS CONTRACT SERVICES (HSNs- 00440334, 00440410).

2. On verification of the records, by the Telangana State GST authority, the following discrepancies were observed.

2.1. **ISSUE 1: Under declaration of output tax.** It is observed that, the taxpayer has not correctly declared tax on his outward supplies on reconciliation of turnover in GSTR-01, GSTR-3B and GSTR-9 for the financial year 2018-19.

2.2. The taxpayer has self-assessed the tax liability on outward supply and furnished the details of the same in returns specified under Section 37 of the CGST Act, 2017. In terms of provision of Section 59 of the CGST Act, 2017, 'every registered person shall self-assess the taxes payable under this Act and furnish a return for each tax period as specified under Section 39'. The taxpayer failed to discharge the self-assessed tax in the returns specified under Section 39 and the taxpayer was to pay taxes liable under Section 9 of the CGST Act, 2017 and therefore, the differential tax of **Rs 27,66,974/-** as detailed in table below, is liable for recovery under Section 73 of the CGST Act, 2017 along with applicable interest under Section 50 and penalty under Section 73 of the CGST Act, 2017 read with Section 122(2)(a) of the CGST Act, 2017.

Table-1

Amount: INR

S.No	issue	Table No. in GSTR-09	SGST	CGST	Total
1	2	3	4	5	6
1	Tax on taxable supplies as declared in GSTR-09	4N	6384137.00	6384137.00	12768274.00
2	Add net increase due to amendments (Increase in amendments (-) decrease in amendments)	10 (-) 11	0.00	0.00	0.00
3	Add tax on deemed supplies	16B	0.00	0.00	0.00

4	Add tax on unreturned goods	16C	0.00	0.00	0.00
5	Pending demands	15G	0.00	0.00	0.00
6	Total output tax liability as per the above in GSTR-09(S.NO 1+2+3+4+5)		6384137.00	6384137.00	12768274.00
7	Less Total tax paid in cash	9	0.00	0.00	0.00
8	Less Tax paid by adjustment of ITC	9	5000350.00	5000650.00	10001300.00
9	Less differential tax paid on amendments	14	0.00	0.00	0.00
10	Add differential tax paid on amendments related to previous year in current year	(14) of previous FY GSTR-09	0.00	0.00	0.00
11	Net tax payable (S.NO 6-7-8-9+10)		1383487.00	1383487.00	2766974.00

3. ISSUE 2: The excess input tax credit (ITC) claimed on account of non-reconciliation of information:

Under Section16(2)(c) every registered person shall be entitled to take credit of ITC on supply of goods or services to him subject to the condition that the tax charged in respect of such supply has been actually paid to the Government either in cash or through utilization of ITC admissible in respect of such supply.

It is observed that the taxpayer has not correctly availed input tax on his inward supplies on reconciliation of turnovers in GSTR-09.

- Scrutiny of ITC availed:

Amt in Rs.

S.No	Description	SGST	CGST	Total
1	2	3	4	5
1	ITC in the year as per Table 8A of GSTR-09	6803981.00	6803981.00	13607962.00
2	ITC from ISD table 4A (4)	0.00	0.00	0.00
3	ITC from imports table 4A (1) +4A (2)	0.00	0.00	0.00
4	Inward Supplies liability to reverse charge 4A (3) (other than 4A(1) & 4A(2))	0.00	0.00	0.00
5	ITC brought forward from previous FY to current FY, Table 8C of previous FY GSTR-09	0.00	0.00	0.00
6	ITC carried forward from present FY to subsequent FY, Table 8C of GSTR-09	0.00	0.00	0.00
7	Reversals in Table 4B of GSTR-3B	0.00	0.00	0.00
8	ITC Available for use in the same year (S.No 1+2+3+4+5-6-7)	6803981.00	6803981.00	13607962.00
9	ITC used in same year as per 4C of GSTR-3B	7607458.00	7607458.00	15214916.00
10	Net excess used (S.No 9-8)	803477.00	803477.00	1606954.00

ISSUE 3.Scrutiny of ITC reversals:

S.No	Description	SGST	CGST	Total
1	2	3	4	5
1	ITC reversed in Table 4(B) of GSTR-3B	0.00	0.00	0.00
2	ITC reversed in Table 7(I) of GSTR-09	228159.00	228159.00	456318.00
3	Excess ITC reversal showing in GSTR-09 as completed the GSTR-3B (S.No 2-1)	228159.00	228159.00	456318.00

From the above taxpayer has declared excess ITC reversal in GSTR 9 compared to ITC reversed in table 4(B) of GSTR-3B as detailed in table above.

Therefore, excess ITC of Rs. 20,63,272/- availed is required to be recovered under Section 73 of the CGST Act, 2017 along with applicable interest under Section 50 of the CGST Act, 2017 and penalty under Section 73 of the CGST Act, 2017 read with Section 122(2)(a) of the CGST Act, 2017.

TOTAL TAX PAYABLE SUMMARY				
Sl. No.	Issue	SGST	CGST	Total
1	2	3	4	5
1	Total Tax due for issues 1 to 2.	2415123.00	2415123.00	4830246.00
2	Interest	In terms of Section 50 of the CGST Act, 2017		
3	Penalty	In terms of Section 73 of the CGST Act, 2017		

4. The DRC 01A vide DIN: 20231256YO0000888A4D dated 19.12.2023 issued to the taxpayer requesting to pay tax along with interest and applicable penalty. However the taxpayer neither paid dues nor submitted any reply.

5. In view of the above, **M/S NILGIRI ESTATES** (here-in-after referred to as "Taxpayer"), situated at 2nd FLOOR, 5-4-187/3 AND 4, SOHAM MANSION, MG ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003, was issued a Show Cause Notice answerable to the **Assistant/Deputy Commissioner of Central Tax, Secunderabad Division, Salike Senate, 1st Floor, D. No. 2-4-416 & 417, Ramgopalpet, MG Road, Secunderabad 500003** within thirty days (30) from the date of issue of this notice as to why: -

- (i) an amount of **Rs.27,66,974/- [Rs.13,83,487/-CGST and Rs13,83,487/-SGST] (Rupees Twenty Seven Lakhs Sixty Six Thousand Nine Hundred and Seventy Four only)**, as discussed supra in Para 2 should not be demanded from them under Section 73(1) of the CGST Act, 2017 and similar provisions as laid in the TGST Act, 2017 read with Section 20 of IGST Act, 2017.
- (ii) an amount of **Rs. 20,63,272 /- [Rs.10,31,636/- CGST and Rs.10,31,636/- SGST] (Rupees Twenty Lakhs Sixty Three Thousand Two Hundred and Seventy Two only)**, as discussed supra in Para 3 should not be demanded from them under Section 73(1) of the CGST Act, 2017 and similar provisions as laid in the TGST Act, 2017 read with Section 20 of IGST Act, 2017.
- (iii) interest at the applicable rate should not be demanded from them on tax demanded at (i) & (ii) above under Section 50 of CGST Act, 2017 read with Section 20 of IGST Act and similar provisions under TGST Act, 2017.

- (iv) penalty should not be imposed on them demands at (i) & (ii) above under Section 73 of CGST Act, 2017 read with Section 122(2)(a) of CGST Act, 2017 and Section 20 of IGST Act, 2017 and similar provisions under TGST Act, 2017

6. Reply to Show Cause Notice

The TP has submitted their reply to the SCN on 16.02.2024. The tax payer in his reply stated that in respect of:

6.1 Issue-1: Under declaration of output tax

The taxpayer Submitted that the alleged difference of output tax liability was factually incorrect and wherever there was short payment, it was paid voluntarily. The actual difference was quite less than the amount arrived in the impugned SCN. The detailed explanation was already made to the previous SCN which may be considered here also.

6.2. Issue-2: The excess input tax credit (ITC) claimed on account of non-reconciliation of information

The taxpayer submitted that the demand was raised in the previous SCN in any case, such alleged differences between ITC in GSTR3B Vs GSTR2A is factually wrong as impugned SCN was based on the old GSTR2A as on the date of filing of annual returns. Once, the updated GSTR2A was considered, the actual difference was quite less than the amount arrived in the SCN. Further, submitted that ITC cannot be denied merely due to non-reflection of invoices in GSTR2A as all the conditions specified under Section 16 have been satisfied. The taxpayer submitted that GSTR2A cannot be taken as a basis to deny the ITC in accordance with Section 41, Section 42 of CGST Act, 2017, Rule 69 of CGST Rules, 2017. Finally, requested to drop further proceedings initiated in the show cause notice.

6.3. ISSUE-3: Scrutiny of ITC Reversals:

The tax payer submitted, they have reversed the said ITC of Rs. 4,56,318/- (CGST: Rs.2,28,159/- SGST: Rs.2,28,159/-) vide DRC dated 07.01.2020 under Debit Entry DI3601200012760 and DRC dated 16.10.2020 under debit entry DI3610200050832 and requested to drop further proceedings.

7. Personal Hearing:

7.1 A Personal Hearing was fixed on 25.01.2024, 13.02.2024 & 27.02.2024 and intimated to the tax payer. Shri Srimannarayana, authorized representative of the company has attended the PH reiterated the submissions made in their reply dated 16.02.2024 and requested to drop further proceedings.

8. Discussions & Findings :

I have carefully gone through the records of the case, Show Cause Notice, tax payer's reply dated 16.02.2024, submissions made during the course of

personal hearing and other material available on record. I now propose to adjudicate the case under the provisions of Section 73 of CGST Act, 2017. There are three issues before me to decide. I shall take up the aforesaid issues one by one for discussion.

9. Issue-1: Under declaration of output tax

Section 37. Furnishing details of outward supplies. -

(1) Every registered person, other than an Input Service Distributor, a non-resident taxable person and a person paying tax under the provisions of section 10 or section 51 or section 52, shall furnish, electronically ¹[subject to such conditions and restrictions and] in such form and manner as may be prescribed, the details of outward supplies of goods or services or both effected during a tax period on or before the tenth day of the month succeeding the said tax period and such details ²[shall, subject to such conditions and restrictions, within such time and in such manner as may be prescribed]

Section 39. Furnishing of returns.— (1) 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, in such form and manner, and within such time, as may be prescribed, on or before the twentieth day of the month succeeding such calendar month or part thereof. (2) A registered person paying tax under the provisions of section 10 shall, for each quarter or part thereof, furnish, in such form and manner as may be prescribed, a return, electronically, of turnover in the State or Union territory, inward supplies of goods or services or both, tax payable and tax paid within eighteen days after the end of such quarter. (3) Every registered person required to deduct tax at source under the provisions of section 51 shall furnish, in such form and manner as may be prescribed, a return, electronically, for the month in which such deductions have been made within ten days after the end of such month. (4) Every taxable person registered as an Input Service Distributor shall, for every calendar month or part thereof, furnish, in such form and manner as may be prescribed, a return, electronically, within thirteen days after the end of such month. (5) Every registered non-resident taxable person shall, for every calendar month or part thereof, furnish, in such form and manner as may be prescribed, a return, electronically, within twenty days after the end of a calendar month or within seven days after the last day of the period of registration specified under sub-section (1) of section 27, whichever is earlier. (6) The

Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing the returns under this section for such class of registered persons as may be specified therein: Provided that any extension of time limit notified by the Commissioner of State tax or Union territory tax shall be deemed to be notified by the Commissioner. (7) Every registered person, who is required to furnish a return under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return. CHAPTER IX RETURNS 71 (8) Every registered person who is required to furnish a return under sub-section (1) or sub-section (2) shall furnish a return for every tax period whether or not any supplies of goods or services or both have been made during such tax period. (9) Subject to the provisions of sections 37 and 38, if any registered person after furnishing a return under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) discovers any omission or incorrect particulars therein, other than as a result of scrutiny, audit, inspection or enforcement activity by the tax authorities, he shall rectify such omission or incorrect particulars in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed, subject to payment of interest under this Act: Provided that no such rectification of any omission or incorrect particulars shall be allowed after the due date for furnishing of return for the month of September or second quarter following the end of the financial year, or the actual date of furnishing of relevant annual return, whichever is earlier. (10) A registered person shall not be allowed to furnish a return for a tax period if the return for any of the previous tax periods has not been furnished by him.

Section 49. Payment of tax, interest, penalty and other amounts.-

(8) Every taxable person shall discharge his tax and other dues under this Act or the rules made thereunder in the following order, namely:-

- (a) self-assessed tax, and other dues related to returns of previous tax periods;
- (b) self-assessed tax, and other dues related to the return of the current tax period;
- (c) any other amount payable under this Act or the rules made thereunder including the demand determined under section 73 or section 74.

9.1. In the instant case, a show cause notice was issued on the same issue, by the Additional Commissioner, Hyderabad Audit II Commissionerate vide Show Cause No. 06/23-24 dated 19.05.2023 under C.No.V/Audit-II/C-I/28/2021-22/Gr-15. The said Show Cause Notice was adjudicated by the Additional

Commissioner, Secunderabad GST Commissionerate vide OIO No. 28/2023-24 (Sec-Adjn-ADC)(GST) Dated 12.10.2023. In view of the above, it is proposed to drop the proceedings initiated in the show cause notice.

10. Issue-2: The excess input tax credit (ITC) claimed on account of non-reconciliation of information

In the instant case, a show cause notice was issued by the Hyderabad Audit II Commissionerate issued by the Additional Commissioner vide Show Cause Notice No. 06/23-24 dated 19.05.2023 under C.No.V/Audit-II/C-I/28/2021-22/Gr-15. The said Show Cause Notice was adjudicated by the Additional Commissioner, Secunderabad GST Commissionerate vide OIO No. 28/2023-24 (Sec-Adjn-ADC)(GST) Dated 12.10.2023.

10.1. In view of the above, it is proposed to drop the proceedings initiated in the show cause.

11. Issue-3: Scrutiny of ITC reversals:

In the instant case, the tax payer submitted that they have reversed the said ITC of **Rs. 4,56,318/- (CGST: Rs.2,28,159/- SGST: Rs.2,28,159/-)** vide DRC dated 07.01.2020 under Debit Entry DI3601200012760 and DRC dated 16.10.2020 under debit entry DI3610200050832 and requested to drop further proceedings. The same has to be appropriated. However, interest under Section 50 and Penalty under 73 read with Section 122(2)(a) of CGST Act, 2017 is recoverable.

12. Further, Section 6 of the Telangana State Goods & Services tax Act, 2017 authorizes the officers appointed under the Central Goods and Services Tax Act as proper officers for the purposes of the said Act, subject to such conditions as the Government shall, on the recommendations of the Council, by Notification, specify. Accordingly, the demand of levy of SGST is authorized under the provisions of Section 6 of the TGST Act, 2017.

13. In view of the foregoing discussions and findings, in terms of provisions of Section 73 of CGST Act 2017, having regard to the facts and circumstances of the case, I pass the following order:

ORDER

- (i) I drop the proceedings initiated in the show cause under **Issue-1** in view of the discussions and findings in **Para 9** above.
- (ii) I drop the proceedings initiated in the show cause under **Issue-2** in view of the discussions and findings in **Para 10** above.
- (iii) I confirm the demand of **Rs. 4,56,318/- (CGST: Rs.2,28,159/- SGST: Rs.2,28,159/-) (Rupees Four Lakh Fifty Six Thousand Three Hundred and Eighteen Only)**, in respect of Issue-3, as

discussed supra in Para -11 under Section 73(9) of the CGST Act, 2017 and similar provisions as laid down in the TGST Act, 2017 read with Section 20 of IGST Act, 2017.

- (iv) I appropriate the amount of Rs. 4,56,318/- (CGST: Rs.2,28,159/- SGST: Rs.2,28,159/-) (Rupees Four Lakh Fifty Six Thousand Three Hundred and Eighteen Only) which was already paid by them vide DRC dated 07.01.2020 under Debit Entry No. DI3601200012760 and DRC dated 16.10.2020 under debit entry no. DI3610200050832 towards duty confirmed at SL.No. (iii) above, under Section 73(9) of the CGST Act, 2017 and similar provisions as laid down in the TGST Act, 2017 read with Section 20 of IGST Act, 2017
- (v) I confirm the demand of interest at the applicable rate from them on tax demanded at (iii) above under Section 50 of CGST Act, 2017 read with Section 20 of IGST Act and similar provisions under TGST Act, 2017.
- (vi) I confirm the demand of penalty from them on the demand at (iii) above under Section 73(9) of CGST Act, 2017 read with Section 122(2)(a) of CGST Act, 2017 and Section 20 of IGST Act, 2017 and similar provisions under TGST Act, 2017

312.242101121201
19/04/2024

(आर.सत्यनारायण)/(R.SATYANARAYANA)
सहायक आयुक्त/Assistant Commissioner
सिकंदराबाद मण्डल/ Secunderabad GST Division

To

M/S NILGIRI ESTATES
2nd FLOOR, 5-4-187/3 AND 4,
SOHAM MANSION, MG ROAD, SECUNDERABAD.

Copy submitted to:

The Commissioner of Central Tax, Secunderabad GST Commissionerate, GST Bhavan, Opp. L.B.Stadium, Hyderabad (Attention: Superintendent, (Review))

Copy to:

The Superintendent of GST, Ramgopalpet-II Range, Secunderabad GST Division - For information.

Office copy & Master file.



కస్టమ్స్ మరియు సెంట్రల్ టాక్స్ కమీషనర్ కార్యాలయం (అప్పీల్స్-I)
7వ అంతస్తు, GST భవన్ :LB స్టేడియం రోడ్, బషీర్ బాగ్, హైదరాబాద్, పిన్-500004
OFFICE OF THE COMMISSIONER OF CUSTOMS & CENTRAL TAX

APPEALS - II COMMISSIONERATE, HYDERABAD
7th Floor, GST Bhavan, L.B. Stadium Road, Basheer Bagh, Hyderabad, PIN-500004, Telangana.
Ph: 040-23234219/e-Mail: hydappeals.two@gmail.com

Appeal No: 343 & 337/2024(SC)GST

Date:18.02.2025

Appeal against the OIO No: 23/2024-25(GST-Adjn) & 25/2024-25(GST-Adjn)

Name of the Assessee: M/s. Nilgiri Estates & M/s. Villa Orchids.

Name & Designation of Authorized Representative: CA Laxman Kumar.

R. Laxman Kumar
18/02/2025

RECORD OF VIRTUAL PERSONAL HEARING (VPH)

M/s. Nilgiri Estates (343/2024(SC)GST):

The Authorized representative appeared for the VPH today on 18.02.2025. He told that he would withdraw the appeal as it is the case of interest and penalty.

Accordingly, the PH concluded.

M/s. Villa Orchids (337/2024(SC)GST):

The Authorized representative appeared for the VPH today on 18.02.2025. He explained the submissions made in the appeal highlighting:

1. The fact of payment of Rs 1,03,856/- and DRC03 submission & sought interest /penalty waiver.
2. Non availment/utilization of ineligible ITC & sought 3 days to submit CAA certificate also in support of his contention

Accordingly, the PH concluded.

(Vaishali Malhotra)

Commissioner (In-situ)