Proceedings of Assistant Commissioner (State Taxes)
Ramgopalpet-Ranigunj-II Circle
BEGUMPET DIVISION
PRESENT: Sri M. UPENDER
(U/s 73 of the TGST & CGST Acts, 2017)

DIN	GST/36ACVFS7909P1ZV/21
Office details Designation of the assessing officer Unit Division	ASSISTANT COMMISSIONER (ST) RAMGOPALPET-RANIGUNJ -2 BEGUMPET
Details of the Tax payer Name Legal Name GSTIN	SERENE CONSTRUCTIONS LLP SERENE CONSTRUCTIONS LLP 36ACVFS7909P1ZV
Financial Year	2020-21

Ref: 1. This office Show Cause notice vide ARN: AD360222021595D dated: 22-02-2022.
2. This office Reminders dated: 17-12-2022 and 06-07-2023.
3. Tax Payers reply dated: 23-01-2025

Take notice that you have not filed annual return in GSTR-09 for the financial year 2020-21.

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:

SGSTRs.**54476.64**
CGST Rs.**54476.64**
Total Rs.**108953.28**

The details of the above tax liability are as follows:

1. **Excess claim of ITC:**
   - **Excess ITC claimed in GSTR-3B compared to the tax on inward supplies declared by**

   You have claimed excess ITC in GSTR-3B as compared to the tax declared by your suppliers on the supplies made to you.

S.No	Description	Table No. in GSTR-3B	SGST	CGST	Total
1	2	3	4	5	6
1	ITC claimed in GSTR-3B	4(A)(5) + 4 (D)(1)	1449787.00	1449787.00	2899574.00
2	Tax declared by the suppliers on the supplies made to you.	Cumulative figures of GSTR-01 filed by suppliers	1396957.00	1396957.00	2793914.00
3	Excess ITC availed	S.No.1 (-) S. No.2	52830.00	52830.00	105660.00

Response of the tax payer:

In this regard, Noticee submits that the current notice, the adjudicating authority had relied upon Credit reflecting GSTR 2A report for arriving at ITC available for availment for F.Y.2020-21. While the noticee had relied on credit available in GSTR 2B report for the F.Y.2020-21 for claiming Credit in GSTR-3B returns, in compliance of Rules 36(4) of the CGST Rules,2017. Such rule mandates that only credit reflecting in GSTR 2B report can be availed by the noticee. An extract of Rule 36(4) of the CGST Rules,2017 is provided hereunder for your ready reference.

An extract of Rule 36(4) of the CGST Rules,2017

"Rule36(4) No input tax credit shall be availed by a registered person in respect of invoices or debit notes the details of which are required to be furnished under sub-section (1) of section 37 unless -

(a) the details of such invoices or debit notes have been furnished by the supplier in the statement of outward supplies in FORM GSTR-1, as amended in FORM GSTR-1A if any, or using the invoice furnishing facility; and

(b) the details of input tax credit in respect of such invoices or debit notes have been communicated to the registered person in FORM GSTR-2B under sub-rule (7) of rule 60."

Noticee submits that credit to the tune of Rs.39,60,910/- (CGST-Rs. 19,80,455/- & SGST-Rs. 19,80,455/-) is available in the GSTR 2B report of the noticee and noticee had only claimed credit to the tune of Rs. 28,98,804/- (CGST-Rs. 14,49,402/- & SGST-Rs. 14,49,402/-). Such comparison between Credit available in GSTR 2B and ITC claimed in GSTR 3B returns is enumerated in the Table 1 provided hereunder. GSTR 2B Report and Purchase Books are attached as **Annexure 1 & Annexure 2.**

S.no	Particulars	IGST	CGST	SGST
1	ITC available in GSTR 2B		19,80,455	19,80,455
2	ITC as per Purchase Books		14,49,789	14,49,789
3	ITC claimed in GSTR 3B returns		14,49,787	14,49,787

It is evident that noticee did not avail any excess credit in GSTR 3B returns in comparison with Credit available in GSTR 2B report and it is therefore requested to drop all further proceedings in this regard.

Observations and conclusion of the assessing authority:

The Contention put forth by the taxpayer for the above discrepancy have been verified with reference to the Documentary evidence and found in order, hence agreeing with the taxpayer and proposed tax on the above discrepancy is hereby withdrawn.

- **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	Motor Vehicles	8702; 8703; 8711;		1646.64	1646.64	3293.28
A	Total ineligible ITC u/s 17(5)	-		1646.64	1646.64	3293.28
B	Ineligible ITC declared in GSTR-3B	-	4D. (1)	0.000	0.000	0.000
C	Difference/excess ITC claimed	-		1646.64	1646.64	3293.28

Response of the tax payer:

Noticee submits that it had never availed such credit against the supplier Varun Motors Pvt Ltd. Hence, it is requested to drop all further proceedings in this regard.

Observations and conclusion of the assessing authority:

The Contention put forth by the taxpayer for the above discrepancy have been verified with reference to the Documentary evidence and found in order, hence agreeing with the taxpayer and proposed tax on the above discrepancy is hereby withdrawn.

Summary:
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	IGST	Total
1	2	3	4	5	6
1	Total tax due in (1) above	0	0	0	0

Since the taxpayer has not paid the amounts within (30) days of issue of the show cause they are liable to pay penalty under Sec.122 of the CGST/SGST Act as applicable of SGST Rs. **0.00** and CGST Rs. **0.00** and IGST **Rs.0.00**.

This order is issued only to the extent of the discrepancies identified prima facie in the returns as mentioned in the Show cause notice mentioned above.

Note: An appeal against this order lies before the Appellate Joint Commissioner (ST) Punjagutta Division Hyderabad within (90) days from the date of receipt of this order.

UPENDER MATHERY
Digitally signed by UPENDER MATHERY
Date: 2025.02.25 11:47:40 +05'30'
Assistant Commissioner (ST),
Ramgopalpet-Ranigunj-II.

Office of : Assistant Commissioner
Jurisdiction : RAMGOPALPET-RANIGUNJ 2:Begumpet:Telangana, State/UT : Telangana

Reference No. : ZD360225074505E Date : 25/02/2025

To

GSTIN/ID : 36ACVFS7909P1ZV
Name : SERENE CONSTRUCTIONS LLP
Address : 5-4-187/3 AND 4, 2ND FLOOR, SOHAM MANSION, MG ROAD, SECUNDERABAD, Rangareddy, Telangana, 500003

Tax period : APR 2020 - MAR 2021 F.Y. : 2020-2021

SCN/Statement Reference No. : ZD360222021961R Date : 22/02/2022

Act/ Rules Provisions :
As per the GST Act

Order for dropping the proceedings under section 73/74

With reference to the above referred show cause notice issued to you for representing your case against the reasons stated in the Annexure attached thereto and on the basis of information available on record, the proceedings are hereby dropped for the reasons and other details stated in the Annexure attached herewith.

Signature
Name : METHARY UPENDER
Designation : Assistant Commissioner
Jurisdiction : RAMGOPALPET-RANIGUNJ 2:Begumpet:Telangana