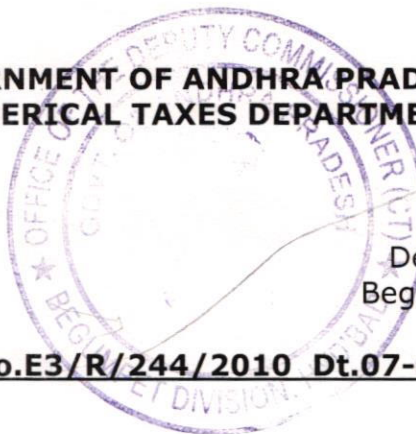


**GOVERNMENT OF ANDHRA PRADESH
COMMERICAL TAXES DEPARTMENT**



Office of the
Deputy Commissioner(CT),
Begumpet Division, Hyderabad.

Rc.No.E3/R/244/2010 Dt.07-01-2011.

**Revision Show Cause Notice under VAT for the tax periods
December, 05 October,06 under Section 32(2) of AP VAT Act, 2005.**

Sub:- AP VAT Act, 2005 – M/s.Summit Builders – Assesseees on the rolls of Commercial Tax Officer, M.G. Road Circle, Begumpet Division – Completion of Assessment under VAT for the tax periods December, 2005 to October, 2006 by the Deputy Commercial Tax Officer (Revisions), Begumpet Division, Hyderabad – Certain discrepancies noticed in VAT Assessment Order passed – Proposal of Revision of Assessment under Section 32(2) of AP VAT Act, 2005 – Revision Show Cause Notice issued – Written objections called for – Regarding.

Ref:- 1).Deputy Commercial Tax Officer (Revisions), Begumpet Division, Hyderabad Assessment of Value Added Tax in Form VAT 305 Dt.17-04-2007.

M/s.Summit Builders, D.No.5-4-187/3 & 4, Soham Mansion, Secunderabad are registered Dealers under the provisions of AP VAT Act, 2005 with TIN 28790571789 and assesseees on the rolls of Commercial Tax Officer, M.G. Road Circle, Begumpet Division, Hyderabad.

They are dealers in execution of Civil Works Contracts i.e. sales of Independent Houses and Apartments. They opted to pay tax @ 1% under composition under Section 4 (7) (d) of AP VAT Act, 2005.

As per the authorization of the Deputy Commissioner(CT), Begumpet Division, Hyderabad the Deputy Commercial Tax Officer, Begumpet Division, Hyderabad has conducted VAT Audit of the business transactions of the dealer on 23-11-2006 and passed Assessment of Value Added Tax in Form VAT 305 Dt.17-04-2007 vide the reference 1st cited for the tax periods December, 2005 to October, 2006 and levied and confirmed under declared VAT Output Tax of Rs.73,757-00.

Subsequent to passing VAT Assessment Order the Department is in receipt of information from other State Government Department of Andhra Pradesh where in it is informed that during the tax periods December, 2005 to March, 2006 and April, 2006 to November, 2006 the assessee has suppressed certain Works Contracts Receipts Turnovers and the assessee also failed to pay VAT Tax on Service Tax Component and failed to pay VAT Tax on purchase of 4% & 12.5% VAT goods purchased from unregistered sources which were used in execution of Civil Works Contract.

As per Section 4 (7) (e) of AP VAT Act, 2005 any dealer having opted for composition under Section 4 (7) (b) (c) & (d) of AP VAT Act, 2005 purchases or receives any goods from outside the State or India or from any dealer other than a Value Added Tax dealer in the State and uses such goods in the execution of the Works Contracts, such dealer shall pay tax on such goods at the rates applicable to them under the Act and the value of such goods shall be excluded for the purpose of computation of turnover on which tax by way of composition at the rate of 4% is payable.

Verified the information received from other State Government Department of Andhra Pradesh with reference to the VAT Assessment Order passed and by the Deputy Commercial Tax Officer Revisions, Begumpet Division, Hyderabad vide the reference 1st cited and monthly returns filed by the dealer in Form VAT 200, information furnished by the dealer at the time of VAT Audit and noticed that the VAT Assessment Order passed is prejudicial to the interest of State Revenue due to the following explained reasons.

1). During the tax periods December, 2005 to March, 2006 the assessee has received Works Contracts Receipts of Rs.56,44,500-00 and charges towards extra Civil Works executed by them, amounts received towards Car Parking and Service Tax Payments of Rs.10,73,384-00 i.e., total Rs.67,17,884-00. where as on filing of monthly returns in Form VAT 200 the assessee has reported only a turnover of Rs.21,22,500-00. Thus, they short reported Works Contracts Receipts Turnover of Rs.45,95,384-00. In the VAT Assessment Order passed vide the reference 1st cited the Assessing Authority has failed to levy VAT Tax @ 1% Rs.45,954-00 on this short reported Works Contracts Receipts Consideration resulting in loss of Revenue to state for Rs.45,954-00 which is prejudicial to the interest of State Revenue.

The details of purchase of 4% & 12.5% VAT goods furnished by the dealer at the time of VAT Audit is verified and found that the assessee has purchased certain 4% & 12.5% VAT goods from unregistered sources/TOT dealers during the tax periods December, 2005 to March, 2006 the details of these purchases are as under.

As per the information received in this office it is noticed that during the tax periods April, 2006 to March, 2007 the assessee has purchased Sand, Stone Metal and Bricks valued Rs.36,78,199-00 on which the dealer failed to pay Difference VAT Tax @ 3% as required under Section 4 (7) (e) of AP VAT Act, 2005. Further as seen from the bill wise purchase details filed by the dealer at the time of VAT Audit it is also noticed that the dealer has made purchase of Water Proofing Material, Cement, Hard Ware, Windows, Tools, Chemicals, Sand, Stone Metal, Bricks, Bamboos and Iron & Steel from unregistered sources. The Assessing Authority failed to levy Difference VAT Tax on these purchases from unregistered sources which is prejudicial to the interest of State Revenue. Hence, it is proposed to levy Difference VAT Tax @ 3% & 11.5% on the purchase value of 4% & 12.5% VAT goods from unregistered sources for the tax periods April, 2006 to October, 2006 as under.

The details of purchases of various goods from unregistered sources are as under.

Tax period	4% VAT goods	Purchase Turnover	12.5% VAT goods	Purchase Turnover
Apr, 06	Hallow Bricks, Sand, Stone Metal.	203933	Water Proofing, Cement, Hard Ware	29105
May, 06	Sand, Stone Metal, Bricks.	77156	Water Proofing	9175
June, 06	Bamboos.	177966	Water Proofing, Cement, Doors & Windows, Tools	28524
July, 06	Bamboos, Hallow Bricks, Hard Ware	202052	Water Proofing	1954
Aug, 06	Bamboos	170398	Water Proofing, Electrical Items, Cement	130750
Sep, 06	Hallow Bricks, Bamboos, Hard Ware	470920	Water Proofing, Cement	16276
Oct, 06	Iron & Steel, Bamboos, Hard Ware	279600	Water Proofing, Doors & Windows	34458

Hence, it is proposed to levy Difference VAT Tax @ 3% Rs.47,461-00 on the purchase value of 4% VAT goods of Rs.15,82,025-00 from unregistered sources.

Hence, it is proposed to levy Difference VAT Tax @ 11.5% Rs.28,778-00 on the purchase value of 12.5% VAT goods of Rs.2,50,242-00 from unregistered sources.

Thus, the dealer has under declared VAT Input Tax of Rs.76,239-00 and now the same is proposed on Revision.

Hence, in order to rectify the omissions in the VAT assessment order passed and to levy the correct VAT Tax which is legitimately due to the State it is proposed to set aside the VAT Assessment Order passed by the Deputy Commercial Tax Officer Revisions, Begumpet Divisions, Hyderabad vide the reference 1st cited and proposed to revise the VAT Assessment Order for the tax periods December, 2005 to October, 2006 by taking into consideration of the average Works Contracts Receipts Consideration for the tax periods April, 2006 to October, 2006 and also by proposing Difference VAT Tax @ 3% & 11.5% on the unregistered purchases of 4% & 12.5% VAT goods .

(I).Under declaration of VAT Output Tax Rs.45,954-00 for the Tax Periods December, 2005 to March, 2006:

As per the information received from other State Government Department of Andhra Pradesh it is noticed that during this tax periods the assessee has received Works Contracts Receipts Consideration and paid Service Tax and the details are as under.

A).works Contracts Receipts on sale of Flats/ Independent Houses	Rs. 56,44,500-00
B).Add receipts for extra works under taken/ Service Tax Payments / Amount Received For Car Parking	Rs. 10,73,384-00
C).Total Receipts	Rs. 67,17,884-00
D).Less Works Contracts Receipts Turnover disclosed in monthly VAT 200 Returns	Rs. 21,22,500-00
E).Works Contracts Receipts Turnover short reported	Rs. 45,95,384-00
F).VAT Tax proposed @ 1% on the short reported turnover on Revision	Rs. 45,954-00
G).Difference VAT Tax @ 3% & 11.5% proposed on Purchase of VAT goods from unregistered sources	Rs. 2,25,773-00
Total VAT Tax proposed on Revision	Rs. 2,71,727-00

Thus, the dealer has under declared VAT Output Tax of Rs.2,71,727-00. Hence, now the same is proposed on Revision.

(II).Under declaration of VAT Input/Output Tax of Rs.1,31,235-00 for the Tax Periods April, 2006 to October, 2006:

As per the information received from other State Government Department of Andhra Pradesh it is noticed that during the tax periods April, 2006 to March, 2007 the assessee has received Works Contracts Receipts Consideration of Rs.4,54,61,362-00 including charges for extra Civil Works, charges for Car Parking and Service Tax Payments and paid Service Tax and the details are as under.

Hence, the average Works Contracts Receipts Consideration per month is arrived as Rs.37,88,447-00 **(Rs.4,06,13,611-00+Rs.48,47,751-00=Rs.4,54,61,362-00 x 7/12)** and the total turnover for the tax periods April, 2006 to October, 2006 is proposed as Rs.2,65,19,127-00.

A).works Contracts Receipts on sale of Flats / Independent Houses	Rs.4,06,13,611-00
B).Add receipts for extra works rendered / Service Tax Payments / Amount Received For Car Parking	Rs. 48,47,751-00
C).Total Receipts	Rs. 4,54,61,362-00
D).Average turnover per month proposed (Rs.4,54,61,362-00x7/12)	Rs. 37,88,447-00
E).Total Works Contracts Receipts Turnover proposed for April, 06 to October, 06	Rs. 2,65,19,127-00
F).Less Works Contracts Receipts Turnover disclosed in monthly VAT 200 Returns for April, 06 to October, 06	Rs. 2,10,19,500-00
G).Works Contracts Receipts Turnover short reported	Rs. 54,99,627-00
H).VAT Tax proposed @ 1% on the above turnover	Rs. 54,996-00
I).Contingent purchase of Sand, Stone Metal, and Bricks for April, 06 to October, 06	Rs. 15,82,025-00
J).Difference VAT Tax proposed @ 3%	Rs. 47,461-00
K).Contingent purchase of Cement, Hard Ware, Doors, Windows, Water Proofing Material for April, 06 to October, 06	Rs. 2,50,242-00

L).Difference VAT Tax proposed @ 11.5%	Rs. 28,778-00
M).Value of Sand, Stone Metal and Bricks proposed to tax @ 3% for April, 06 to October, 06	Rs. 21,45,616-00
Total VAT Tax proposed on Revision	Rs. 1,31,235-00

Thus, the dealer has under declared VAT Output Tax of Rs.1,31,235-00. Hence, now the same is proposed on Revision.

In Exercise of the powers conferred under Section 32(2) of AP VAT Act, 2005 it is proposed to revise the Assessment of the dealers under VAT for the tax periods December, 2005 to October, 2006 as discussed above.

Further the dealer is liable to pay interest @ 1% on the under declared VAT Input Tax for the period of delay. Separate proceedings to this effect will be issued.

From the foregoing it indicates that the dealer has committed an offence under the provisions of AP VAT Act, 2005 and the penalty proceedings as per the provisions of AP VAT Act, 2005 will be issued separately.

The dealers are also provided an opportunity to peruse the information available in this office records which is received by The Commercial Taxes Department from other Government Department of Andhra Pradesh where in it was informed that the dealer has short reported the works contracts receipts turnovers and also failed to pay the difference VAT Tax on purchase of VAT goods from unregistered sources which are used in execution works contracts and also failed to pay VAT tax on Service tax Component during the tax periods December,2005 to October,2006.

Hence, M/s.Summit Builders, Soham Mansion, M.G. Road, Secunderabad are requested to file their written objections if any along with all necessary documentary evidence such as copies of VAT Returns filed by them in Form VAT 200, bill wise local and interstate purchase details of 4% & 12.5% VAT goods in Form VAT 225 along with the Name of the Selling Dealer, TIN, Name of the Commodity, Bill Number, Date, Net Purchase Value, VAT Tax @ 4%/12.5% tax period wise for the months December, 2005 to October, 2006 along with copies of Form VAT 250 filed by them for various works for paying tax under composition @ 1% and also copies of Profit & Loss Account Statements for the Financial years 2005-06 & 2006-07 within (15) days from the date of receipt of this Revision Show Cause Notice failing which Revision Orders will be passed accordingly without any further notice in the matter.

Tax period	4% VAT goods	Purchase Turnover	12.5% VAT goods	Purchase Turnover
Dec, 05	Iron & Steel, Aluminium, Sand, Stone Metal, Bricks.	680248	General Goods, Water Proofing, Doors, Cement,	162663
Jan, 06	Metal Boxes, Sand, Stone Metal, Bricks.	203598	Ply Wood, Electricals, Machinery Spares, General Goods	4065
Feb, 06	Sand, Stone Metal, Bricks.	89889	General Goods	162246
Mar, 06	Iron & Steel, Sand, Stone Metal, Bricks.	2330669	Electricals, General Goods	772251

Hence, it is proposed to levy Difference VAT Tax @ 3% Rs.99,132-00 on the purchase value of 4% VAT goods of Rs.33,04,404-00 from unregistered sources.

Hence, it is proposed to levy Difference VAT Tax @ 11.5% Rs.1,26,641-00 on the purchase value of 12.5% VAT goods of Rs.11,01,225-00 from unregistered sources.

Thus, the dealer failed to pay Difference VAT Tax of Rs.2,25,773-00 on purchase of above goods from unregistered sources. Hence, now the same is proposed on Revision.

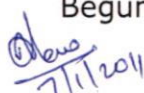
2).As per the information received from other State Government Department of Andhra Pradesh it is noticed that during the tax periods April, 2006 to March, 2007 the assessee has received Works Contracts Receipts Consideration of Rs.4,06,13,611-00 and charges towards extra Civil Works executed by them, amounts received towards Car Parking and Service Tax Payments of Rs.48,47,751-00 i.e., total Rs.4,54,61,362-00. Hence, the average Works Contract Receipts Turnover of Rs.37,88,447-00 per month is taken into consideration and arrived total Works Contracts Receipts Turnover as Rs.2,65,19,128-00 (**Rs.4,54,61,362-00X7/12**) for the tax periods April, 2006 to October, 2006.

As against this Output turnover of Rs.2,65,19,128-00 on filing of monthly returns in Form VAT 200 the assessee has reported only a turnover of Rs.2,10,19,500-00 upto October, 2006. Thus, they short reported Works Contracts Receipts Turnover of Rs.54,99,628-00. In the VAT Assessment Order passed vide the reference 1st cited the Assessing Authority has failed to levy VAT Tax @ 1% of Rs.54,996-00 on this short reported Works Contracts Receipts Consideration resulting in loss of Revenue to state for Rs.54,996-00 which is prejudicial to the interest of State Revenue.

Further the dealers are also informed that they can avail the opportunity of personal hearing to represent their case either in person or through the authorized representative under prior intimation to the undersigned during the period of time allowed in the Revision Show Cause Notice to represent the facts of the case along with documentary evidence as requested above.


Deputy Commissioner(CT),
Begumpet Division, Hyderabad.

To

 7/11/2011  7/11/2011
M/s.Summit Builders, Soham Mansion, M.G. Road, Secunderabad (Through the Commercial Tax Officer, M.G. Road Circle, Secunderabad for service and return of the served copy).