

PROCEEDINGS OF THE APPELLATE DEPUTY COMMISSIONER(CT),
PUNJAGUTTA DIVISION, HYDERABAD

PRESENT: SMT. Y. SUNTHA,

ADC Order No.1420

Date of hearing:23-09-2019

Stay Application R.No.32/2019-20

Date of order :24-09-2019

in Appeal No.BV/63/2019-20

Sub:- APPEALS – Entry of Goods into Local Areas
Act – M/s Vista Homes, Hyderabad – Appeal
filed against the orders of the Commercial Tax
Officer, M.G.Road-S.D.Road Circle,
Hyderabad – Assessment for the tax periods
2017-18 (upto June, 2017) – Stay petition heard
– Conditional Stay granted – Orders issued –
Regarding.

* * *

M/s Vista Homes, Hyderabad (TIN: 36292192903), the appellant herein, filed an appeal against the assessment orders dated 24-07-2019 (AO No.39153) passed by the Commercial Tax Officer, M.G.Road-S.D.Road Circle, Hyderabad (hereinafter referred to as the Assessing Authority) for the tax periods falling under the year 2017-18 (upto June, 2017) under the Entry of Goods into Local Areas. The appellant also filed a petition in Form APP 406 seeking stay of collection of the disputed tax of ₹2,27,750/-.

Sri M. Ramachandra Murthy, Chartered Accountant and Authorised Representative of the appellant appeared and argued the case reiterating the contentions as set-forth in the grounds of appeal and pleaded for stay of collection of the disputed tax.

I have heard the Authorised Representative and gone through his contentions as well as the contents of the impugned orders. The issue involved in the present appeal is as to the levy of entry tax invoking the provisions contained under the Telangana Entry of Goods into the Local Areas Act, 2001 on the goods purchased by the appellant from outside the State involving a disputed tax amounting to ₹2,27,750/-.

On the other hand, the appellant though raised contentions in the grounds of appeal, mainly contended that –

“Thus if any notified goods are brought into the local area by a registered dealer for the purpose of re-sale in the State, no entry tax need be paid. In this connection, appellant submits that in his circular No.A1(3)/2089/2002 dated 17-08-2002, the Honourable Commissioner(CT), AP, Hyderabad has clarified that if Bitumen brought is sold or used in works contract, no tax is payable. It is settled law that for the purpose of sales taxation, there is practically no difference between an ordinary sale and a deemed sale of goods. Goods incorporated in the works are deemed to have been sold. The above clarification of the Commissioner(CT) holds good in respect of this case also.”

On perusal of the ground of appeal and arguments put forth by the Authorized Representative, during the course of personal hearing, and

without expressing any opinion on the merits of the case involved in the present appeal, under the powers vested in me under sub-section (3) (a) of Section 31 of the TVAT Act read with Section 6 of the Telangana Entry of Goods into Local Areas Act, I am inclined to grant stay of collection of the disputed tax till the disposal of the main appeal, subject to payment of the tax amount of ₹79,713/- (i.e., at 35% of the disputed tax of ₹2,27,750/-) within Two (2) weeks from the date of receipt of this order, failing which the stay granted herein stands cancelled without further notice. Further, if any amount that was already paid towards disputed tax shall be given credit.

APPELLATE DY.COMMISSIONER(CT),
PUNJAGUTTA DIVISION, HYDERABAD.

To

The Appellants.

Copy to the Commercial Tax Officer, M.G.Road-S.D.Road Circle, Hyd.

Copy to the Dy.Commissioner(CT), Begumpet Division, Hyderabad.

Copy submitted to the Additional Commissioner(CT) Legal, and Joint Commissioner(CT), Legal, Hyderabad.

NOTE: A Revision Petition against this order lies to the Joint Commissioner(CT) Legal, Telangana, Hyderabad within (30 Thirty days) from the date of receipt of this order.