

Form GST DRC-01
{See rule 142(1)}

Reference No. : MGSD/36ACQFS2044C1Z7/R1 Vs 3B

Date: 12-01-2021.

To,

GSTIN : 36ACQFS2044C1Z7

NAME : SUMMIT SALES LLP

ADDRESS : , 5-4-187 / 3 AND 4, SOHAM MANSION, M.G ROAD, SECUNDERABAD,
NULL, TGRAN, 36, 500003

Email ID : gst@modiproperties.com

Phone No : 9959556450

F.Y : 2018-19

Notice for intimating discrepancies in the returns

This is to inform that during scrutiny of the returns for the financial year referred to above, the following discrepancies have been noticed:

LIABILITY DIFFERENCES IN GSTR1 AND GSTR3B

Tax Period	Tax declared in R1	Tax declared in 3B	Under declared Tax
Jun-18	22,75,389.32	16,41,100.00	6,34,289.32
Jul-18	14,75,373.74	10,63,586.19	4,11,787.55
Aug-18	17,32,149.20	15,38,046.46	1,94,102.74
Sep-18	13,79,886.76	13,69,610.00	10,276.76
Oct-18	14,01,948.64	13,99,998.00	1,950.64
Jan-19	12,68,635.74	12,49,154.00	19,481.74

You are hereby directed to explain the reasons for the aforesaid discrepancies by 27-01-2021. If no explanation is received by the aforesaid date, it will be presumed that you have nothing to say in the matter and proceedings in accordance with law may be initiated against you without making any further reference to you in this regard.

Note:- This is an electronically generated notice through the login of the officer. Therefore, it does not contain signature.

Name: G. VIJAYA LAKSHMI
ASSISTANT COMMISSIONER (STATE TAX)(FAC),
M.G.ROAD-S.D.ROAD CIRCLE,
BEGUMPET DIVISION, HYDERABAD.

Office of Assistant Commissioner
Jurisdiction: M.G.ROAD - S.D.ROAD: Begumpet: Telangana
State/UT: Telangana

Reference No : ZD3601210007135

Date: 12/01/2021

To

GSTIN/ID: 36ACQFS2044C1Z7

Name: SUMMIT SALES LLP

Address : 5-4-187 / 3 AND 4, 3RD FLOOR, SOHAM MANSION, M.G ROAD, SECUNDERABAD, Ranga Reddy, Telangana, 500003

Tax Period : APR 2018 - MAR 2019

F.Y. 2018-2019

ARN- NA

Date- NA

(Voluntary payment intimation details, if applicable)

Show Cause Notice under section 73

It has come to my notice that tax due has not been paid or short paid or refund has been released erroneously or input tax credit has been wrongly availed or utilized by you or the amount paid by you through the above referred application for intimation of voluntary payment for the reasons and other details mentioned in annexure for the aforesaid tax period

Therefore, you are directed to furnish a reply along with supporting documents as evidence in support of your claim by the date mentioned in table below.

You may appear before the undersigned for personnel hearing either in person or through authorized representative for representing your case on the date, time and venue, if mentioned in table below.

Please note that besides tax, you are also liable to pay interest and penalty in accordance with the provisions of the Act.

If you make payment of tax stated above along with up to date interest within 30 days of the issue of this notice with applicable penalty then proceeding may be deemed to have been concluded.

Details of personal hearing etc.

Sr. No.	Description	Particulars
1	Section under which show cause notice/ statement is issued	73
2	Date by which reply has to be submitted	27/01/2021
3	Date of personal hearing	19/01/2021
4	Time of personal hearing	13:00
5	Venue where personal hearing will be held	Office of the Assistant Commissioner (ST), MG Road - SD Road Circle, 4th floor, Pavani Prestige, Ameerpet, Hyderabad-500 016

Demand Details-

(Amount in Rs.)

Sr. No.	Tax Rate(%)	Turnover	Tax Period		Act	POS (Place of Supply)	Tax	Interest	Penalty	Others	Total
			From	To							
1	2	3	4	5	6	7	8	9	10	11	12
1	0	0.00	APR 2018	MAR 2019	CGST	NA	6,35,944.00	0.00	63,594.00	0.00	6,99,538.00

2	0	0.00	APR 2018	MAR 2019	SGST	NA	6,35,944.00	0.00	63,594.00	0.00	6,99,538.00
Total							12,71,888.00	0.00	1,27,188.00	0.00	13,99,076.00

Notice

Signature

Name: GUGULOTH VIJAYA LAKSHMI

Designation: Assistant Commissioner

Jurisdiction: M.G.ROAD -
S.D.ROAD: Begumpet: Telangana

FORM GST DRC - 01
[See rule 100(2) & 142(1)(a)]

Reference No. - ZD3601210007135

Date - 12/01/2021

To

GSTIN/ID: 36ACQFS2044C1Z7

Name: SUMMIT SALES LLP

Address : 5-4-187 / 3 AND 4, 3RD FLOOR, SOHAM MANSION, M.G ROAD, SECUNDERABAD, Ranga Reddy, Telangana, 500003

Tax Period : APR 2018 - MAR 2019

F.Y.- 2018-2019

SCN Reference No. ZD3601210007135

Date 12/01/2021

Section / sub-section under which SCN is being issued - 73

Summary of Show Cause Notice

(a) Brief Fact of the Case : Notice for intimating discrepancies in the returns R1Vs 3B

(b) Grounds : Difference / Excess claim of ITC

(c) Tax and other dues

(Amount in Rs.)

Sr. No.	Tax Rate(%)	Turnover	Tax Period		Act	POS (Place of Supply)	Tax	Interest	Penalty	Others	Total
			From	To							
1	2	3	4	5	6	7	8	9	10	11	12
1	0	0.00	APR	MAR	CGST	NA	6,35,944.00	0.00	63,594.00	0.00	6,99,538.00

			2018	2019							
2	0	0.00	APR 2018	MAR 2019	SGST	NA	6,35,944.00	0.00	63,594.00	0.00	6,99,538.00
Total							12,71,888.00	0.00	1,27,188.00	0.00	13,99,076.00

Signature

Name: GUGULOTH VIJAYA LAKSHMI

Designation: Assistant Commissioner

Jurisdiction: M.G.ROAD -
S.D.ROAD: Begumpet: Telangana

Notice

Date: 15-01-2021
Place: Secunderabad

From,
M/s Summit Sales LLP
5-4-187, Soham Mansion,
M.G. Road, Ranigunj,
Secunderabad,
Telangana, 500003.
GSTIN: 36ACQFS 2044C1Z7

ofc copy

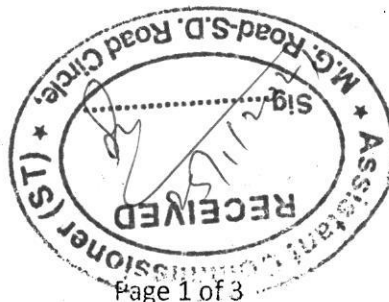
To,
Assistant commissioner (ST) (FAC)
M G Road – S D Road Circle
Begumpet Division
Hyderabad

Ma'am,
Sub: Reply to notice dated 12th January 2021 – Reference no. ZD3601210007135 – Reg. ✓

We are in receipt of your notice dated 12th January 2021, issued under section 73 of Central Goods and Services Tax (CGST) Rules, 2017

1. In the said notice Tax liability of Rs 12,71,888/- is arrived at with out mentioning the absolute cause of the liability.
2. However, it is that noted on Comparison of GSTR 1 with GSTR 3B for few selective months of F.Y. 2018-2019, that is Period -- Jun-18 to Oct-18 and Jan-19, the difference is:

Tax Period	Tax declared in R1	Tax declared in 3B	Difference
Jun-18	22,75,389.32	16,41,100.00	6,34,289.32
Jul-18	14,75,373.74	10,63,586.19	4,11,787.55
Aug-18	17,32,149.20	15,38,046.46	1,94,102.74
Sep-18	13,79,886.76	13,69,616.00	10,276.76
Oct-18	14,01,948.64	13,99,998.00	1,950.64
Jan-19	12,68,635.74	12,49,154.00	19,481.74
Total	95,33,383.40	82,61,494.65	12,71,888.75



3. Furthermore, following is the difference in liability as per GSTR 1 and GSTR 3B for all the months of F.Y. 18-19.

Peirod	As per GSTR 1	As per GSTR 3B	Difference
Apr-18	7,65,393	7,65,881	-489
May-18	95,310	13,11,840	-12,16,530
Jun-18	22,75,389	16,41,100	6,34,289
Jul-18	14,75,374	10,63,586	4,11,788
Aug-18	17,32,149	15,38,046	1,94,103
Sep-18	13,79,887	13,69,610	10,277
Oct-18	14,01,949	13,99,998	1,951
Nov-18	11,03,060	11,08,384	-5,324
Dec-18	15,94,643	15,94,653	-11
Jan-19	12,68,636	12,49,154	19,482
Feb-19	20,94,990	20,94,990	-0
Mar-19	23,75,675	23,75,651	24
Total	1,75,62,454	1,75,12,894	49,560

4. As per Circular No. 26/26/2017-GST, “If liability was not reported in FORM GSTR-1 of the month/quarter, then such liability may be declared in the subsequent month’s/ quarter’s FORM GSTR-1 in which payment was made” and “Where the liability was over reported in the month’s / quarter’s FORM GSTR-1 also, then such liability may be amended through amendments under Table 9 of FORM GSTR-1”
5. Thus, mere comparison of liability for few selective months of a Financial year to arrive at difference in taxes paid is not an ideal approach.
6. According to Section 37 of the CGST Act 2017, read with Rule 59 of CGST Rules, 2017 on Returns, GSTR 1 is a return where a registered person furnishes the details of outward supply of goods or services or both for a given calendar period. GSTR 3B is a monthly return where the GST liability is self-assessed by the registered person and paid for a particular calendar month. Hence it is established that GST taxes are paid/ set off against ITC, via GSTR 3B return. GSTR 1 is merely a return to furnish detailed summary of outward supplies and pass on the ITC to the customer.

7. Also, a detailed comparison of Taxes as per Books of Accounts and taxes declared in GSTR 3B is given below

Particulars	IGST	CGST	SGST
Output Tax as per BoA in FY 17-18 (A)	0	10,13,853	10,13,853
Output Tax as per BoA in FY 18-19 (B)	29951	87,61,336	87,61,336
Total Tax as per BoA (C=A+B)	29,951	97,75,189	97,75,189
Output Tax as per GSTR 3B of FY 17-18 (D)	0	10,32,018	10,32,018
Output Tax as per GSTR 3B of FY 18-19 (E)	29,951	87,41,471	87,41,471
Total Tax as per GSTR 3B (F=D+E)	29,951	97,73,489	97,73,489
Difference (C-F)	0	1,700	1,700

Based on the comparison between GSTR 3B and Books of Accounts, an amount of Rs.3,400 is short paid. These taxes have been paid through DRC-03 dated 04-12-2020.

8. Further It is held by Appellate Authority – GST, ANDHRA PRADESH in case of Sri Kali Krishna Industries Vs Assessing Authority AP that mere mismatch in GSTR 3B & GSTR 1 is not conclusive for any suppression of tax.

We hope, that you find the above submissions in order.

Yours faithfully,
For Summit Sales LLP


Authorised Signatory

References attached

1. GSTR 1 for Apr-18 to Mar-19
2. GSTR 3B for Apr-18 to Mar-19
3. GSTR 9 for F.Y. 18-19
4. GSTR 9C for F.Y. 18-19
5. DRC-03 Dated 04-12-2020