

MODI REALTY MALLAPUR LLP

5-4-187/3&4, II floor, MG Road,
Secunderabad – 500 003.
Phone: +91-40-66335551

Date : 30-11-2020

Place: Secunderabad

From,
M/s Modi Reality Mallapur LLP
5-4-187, Soham Mansion,
M.G. Road, Ranigun,
Secunderabad,
Telangana, 500003.
GSTIN: 36AAEFM1459R1ZP

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

Sir,

Sub : Reply to notice dated 09th October 2020 –Late filing of GSTR 3B on which interest is liable for delayed payment – Reg.

We are in receipt of your notice dated 09th October 2020, issued u/s 50(1) of the SGST Act, 2017.

1. As per CBIC circular no 122/41/2019, dated 5th November 2019. Every notice/letter/communication is required to have DIN. However, your letter does not contain DIN. Thus the notice/letter/communication is considered bad in law.
2. Without prejudice to the above point, we would like to submit the following for your kind consideration.
3. As per the Notification No.31/2020 – Central Tax dated 03rd April 2020, The rate of interest per annum specified for the class of registered persons whose aggregate turnover is up to Rs.1.5 Crore in the preceding financial year is “NIL” if the Form - GSTR 3B of March 20 is furnished on or before 03rd July 2020.
4. Since our Turnover in the preceding financial year i.e FY 18-19 is less than Rs. 1.5 Crores, the applicable due date for furnishing of GST returns for the period March 20 without interest/late fee is 03rd July 2020.
5. Further, as per Notification No51/2020 – Central tax dated 24th June 2020, The rate of interest is as follows
 - a. Nil till 3rd July 2020
 - b. 9% p.a thereafter till 30th September 2020
 - c. 18% p.a if the return is filed after 30th September 2020

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6. Considering the above, the Interest payable is recomputed as under :

Tax Period	Duedate for GSTR 3B	Date of Filing	Delay in Days	IGST	CGST	Tax paid in Cash		Interest @ 9%		
						SGST	IGST	CGST	SGST	IGST
Mar-20	03-07-2020	22-07-2020	19	-	18,31,037	18,31,037	-	8,578	8,578	8,578

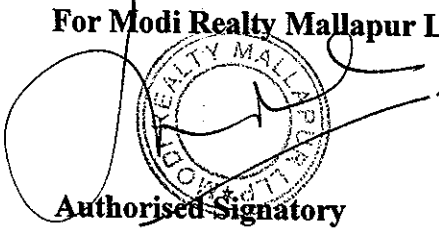
7. Hence an amount of CGST Rs.8,578 and SGST Rs.8,578 is payable on account of Interest payable on delayed filing of GSTR 3B. A copy of Challan and filed DRC-03 is attached for your reference.

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

Thanking you,

Yours faithfully,

For Modi Realty Mallapur LLP


Authorised Signatory

Enclosures :

1. Payment Challan dated 12-11-2020
2. DRC-03 Fy 2019-20 dated : 27-11-2020
3. Notification No.31/2020 – Central Tax dated 03/04/2020
4. Notification No.51/2020 – Central Tax dated 27/06/2020



M.G.Road-S.D.Road Circle - Late filing of GSTR 3B on which interest is liable for delayed payment - Interest Notice issued - Regarding.

From: ac_mgsd@tgct.gov.in

To: sreenivasasarma@modiproperties.com

Date: Saturday, October 10, 2020, 12:56 PM GMT+5:30

**GOVERNMENT OF TELANGANA
COMMERCIAL TAXES DEPARTMENT**

Office of the
Assistant Commissioner (ST),
M.G.Road - S.D.Road Circle
Begumpet Division, Hyderabad.

STIN: 36AAEFM1459R1ZP

DATE: 09-10-2020.

INTEREST NOTICE
[Sec.50(1) of SGST Act' 2017]

M/s. MODI REALTY MALLAPUR LLP
Address: 5-4-187/3 AND 4, SOHAM MANTION, SECUNDERABAD, M G ROAD, 500003
Email ID: sreenivasasarma@modiproperties.com
Phone No: 9553919781

Late filing of GSTR 3B on which interest is liable for delayed payment.

As per the notice of the Department that you have filed GSTR 3B returns after due date resulting in the delayed payment of tax. The details are enclosed separate working sheet for the period as under.

No	Tax Period	GSTR 3B Due Date	Filed date	Delay in days	Tax paid in Cash			Interest @ 18 % p.a.			
					SGST	CGST	IGST	SGST	CGST	IGST	Total
1	Mar,2020	05-05-2020	22-07-2020	78	1831037	1831037	0	70432	70432	0	140864

As per Section 50(1) of the SGST Act, 2017, every person who is liable to pay tax in accordance with the provision of this act or rules there under but fails to pay tax or any part thereof, to the Government within the prescribed time then he shall for the period for which the tax or any part thereof remains unpaid pay on his own interest at such rates not exceeding 18%. Further, the Government has notified the rate of interest as 18% through notification No.13 of 2017, Central Tax, dated. 28-06-2017 for the tax payable under Section 50 (1) of the SGST Act, 2017.

The principal Commissioner of Central Tax, Hyderabad GST Commissionerate in standing order No.01/2019, dated. 04-02-2019 clarified that the credit in balance in the Electronic Credit Ledger cannot be treated as the tax paid, unless it is debited in the said credit ledger while filing the returns for offsetting the amounts in the "Liability Ledger", the interest liability under Section 50 is mandatorily attracts on the entire tax amount unpaid beyond the due date prescribed. The ITC in balance as on the due date for filing the returns as no relevance with regard to the interest liability under Section 50. It is immaterial whether the self assessment tax is paid through credit/ITC or the cash. Once the payment is made on or before the prescribed date, interest liability is attracted on the entire tax amount.

It is pertinent to mention that the amount of the interest payable in terms of Section 50 would automatically become recoverable arrear, which is liable to be recovered in terms of Section 79 of the SGST Act, 2017.

In view of foregoing facts and the legal position M/s. MODI REALTY MALLAPUR LLP, are hereby advised to pay the interest amount immediately, failing to which action will be initiated under Section 79 of the SGST Act, 2017.

M.G.ROAD-S.D.ROAD CIRCLE
BEGUMPET DIVISION:: HYDERABAD.

S No	Month	Actual Due Date	Filing Date	Delay in days	Tax liability	Net liability	Interest
1	Mar-20	05-05-2020	22-07-2020	78	36,62,074		1,40,864