

PROCEEDINGS OF THE ASSISTANT COMMISSIONER(APPEALS)

COMMERCIAL TAXES,ALAPPUZHA

PRESENT: S. PRASANNA

Date of order	:-	01.01.2020
Appeal no	:-	KVATA(ALPY)1/18
From the order of the	:-	State Tax Officer, Harippad
Year of assessment	:-	2015-16
Name of appellant	:-	Smt.Mariyamma Alex, Pampa Bakery, Parambathu Temple Junction,Muttar, Alappuzha
Instituted on	:-	21.02.2018
Date of hearing	:-	11.11.2019
Present for appellant	:-	Sri.K.P. Abraham,Sales Tax Practitioner

APPELLATE ORDER AND GROUNDS OF DECISION

The appeal filed against the assessment order of State Tax Officer, Harippad, Order No.32041265589/2015-16 dated.21.02.2018. The assessing authority completed the assessment based on irregularities found on KVATIS scrutiny. The defect found that turnover suppression. The assessing authority estimated the turnover, added back 14.5% gross profit and 50% addition for probable omission and suppression for the suppressed turnover and also levied tax @ 14.5% for the whole turnover and its interest. Aggrieved by the order, the dealer defend the case on the following grounds.

1. Assessment Order is opposed to law, facts and circumstance of case.
2. Learned Assessing Authority went wrong in completing arbitrary best judgment assessment.
3. The reply filed has not been considered judiciously. This may be treated as part of the appeal. A assessing authority failed to meet the reply simply stated that the assessee has deliberately. Intended to suppress the turnover 14.5% commodities. This is against the principle of best judgment assessment. Hence the Assessment Order is unfounded.

4. The assessing authority ought have found that there is no irregularity in the accounts as shown below.

Op	641800.00
Purchase	9306079.89
Sales	17329170.05
Closing Stock	1798300.00
Gross Profit	2434440.51

5. Learned assessing authority ought have found that the purchase 14.5% is inclusive of raw materials as well as trading. The appellant is a dealer in own bakery product taxable at 5% and 0%. Appellant effected purchase taxable at 14.5% as raw materials, such as ghee, Essence, Color, Chicken, preservative, ground nut, and cashew nut. The bakery product is taxable only 5%. The Branded item is only taxable 14.5%.
6. This assessing authority committed the grave mistake in apportioning the opening stock and closing stock of 14.5%. Appellant has not furnished opening stock on closing stock details of turnover taxable at different rate of tax.
7. The method of asst. adopted to find out the alleged suppression of sale is highly improper, irrational, irregular, and liable to be cancelled. Assessing authority adopted wrong figure for calculation. He has no evidence for sale suppression only assumption and presumption.
8. Appellant authority may kind enough t no that there is no admitted suppression by way of crime file OR file in this case.

It is there for requested that the appeal may be allowed.

Sri.K.P. Abraham, Sales Tax Practitioner, appeared and heard the case and argued based on the grounds of appeal.

Heard the case. The impugned assessment is completed on flimsy grounds. The assessing authority completed the assessment based on certain immerial data without verifying the books of accounts. So the

assessment is highly irregular and not explanatory. It is better to verify the books of accounts and ascertain the actual turnover and complete the assessment according to scheduled rate, because the appellant submitted that he is engaged in the business of bakery products having different rates. The assessing authority is directed to cross verify the relevant records and pass orders as discussed above. Order accordingly.

Result: Modified

ASSISTANT COMMISSIONER (APPEALS)
ALAPPUZHA

To The Appellant through a/r
Copy submitted to Joint Commissioner(Law)
Copy submitted to Deputy Commissioner,CT,Alappuzha
Copy to State Tax Officer, Harippad/File