

PROCEEDINGS OF THE ASSISTANT COMMISSIONER (APPEALS)
STATE GOODS AND SERVICES TAX DEPARTMENT, THRISSUR
PRESENT: SMT. SHYLA PRIYA .V LL.B

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| 1.KVAT Appeal Number | : KVATA 274/19 |
| 2.Order Date | : 27.01.2020 |
| 3. Instituted on | : 28.06.2019. |
| 4. From the order of the | : No. 32081475284/13-14 dtd 19.02.2019 of State Tax Officer, IV Circle, Thrissur |
| 5. Year of assessment | : 2013-14 |
| 6. Name of Appellant | : M/s. Kerala State Civil Supplies Corporation. |
| 7. Turnover Assessed | : Rs.26,79,42,761/- |
| 8. Section/Rule under which assessment made | : U/s. 25(1) of KVAT Act 2003 |
| 9. Date of hearing | : 22.01.2020 |
| 10. Authorized Representative | : K.F Francis. |

APPELLATE ORDER AND THE GROUNDS OF DECISION

M/s. Kerala State Civil Supplies Corporation filed this appeal against the assessment Order No. 32081475284/13-14 dtd 19.02.2019 of State Tax Officer, IV Circle, Thrissur which was finalized U/s. 25(1) of KVAT Act 2003.

The main grounds of appeal submitted are:-

1.The modified assessment order of the State Tax Officer ,State Goods and Services Tax Department Fourth Circle , Thrissur No: 32081475284/2013.14 dated 19.02.2019 in pursuance of the appellate order No:KVATA -567/17 & 568/17 dated 29.12.2017 of the Assistant Commissioner (Appeals), Thrissur determining the balance tax payable at Rs.10,03,138/- for the year 2013.14 is arbitrary, illegal and against facts and circumstances

2.During the material time, the appellant filed annual return disclosing a total turnover of Rs.44,12,65,647.00.This return and supporting books of accounts and other evidences were rejected by the assessing authority as incorrect , incomplete and untrue and determined to the best of judgment the total turnover and tax payable at Rs.54,00,75,106.00 and Rs.21,10,019.00 respectively vide original assessment order No: 32081475284/2013.14 dated 20.04.2017

3.The appellant filed first appeal against the above original assessment order dated 20.04.2017 challenging the irregular disallowance of Input tax credit amounting to Rs.13,27,285.00 . In the first appeal , the appellant contented that the decision to disallow the Input tax claim amounting to Rs.13,27,285.22 is absolutely wrong. In fact , the goods involved in the purchase for Rs.13,27,28,537.72 are not " Rice other than PDS", but Chillies dried, Corriander seeds, Cereal flour , Edible oil, Rice flour, and Pulses. Instead of mentioning the name of these commodities in Part C of the monthly returns, the inexperienced incumbents who are on deputation temporarily under working arrangement from Civil Supplies Department to the Civil Supplies Corporation recorded the name of commodities wrongly as " Rice other than PDS".The mistakes so happened are not intentional or deliberate , but pure inadvertence on the part of these inexperienced hands. A detailed statement of

purchases of these items was submitted for kind perusal of the appellate authority .As per this statement, the input tax paid to local registered dealers during the course of purchase of goods like Chillies dried, Corriander seeds, Cereal flour , Edible oil, Rice flour, and Pulses was Rs.13,27,285.22. The originals of the purchase bills were also produced for verification.

4.The first appellate authority in the order mentioned above directed the assessing to verify the genuineness of the contentions of the appellant raised in appeal and to grant input tax credit. Accordingly the appellant produced all the books of accounts and supporting evidences before the assessing authority in support of the claim of input tax credit amounting to Rs.13,27,285.22.Still the assessing authority abruptly disallowed a sum of Rs.2,20,404.00 under input tax for reasons known to the assessing authority only.Had the assessing authority served on the appellant a pre assessment notice specifying the reasons for disallowance of the input tax credit of Rs.2,20,404.00, the appellant could have adduced evidences again in support of the claim. The failure of the assessing authority in affording an opportunity of being heard in this regard vitiates the proceedings under challenge for failure of compliance of NATURAL JUSTICE. Hence the learned appellate authority may be pleased to set aside the proceedings under dispute on this solitary ground.

When the appeal was posted for hearing Sri. Francis .K.K appeared and heard. The same kind of issue of the appellant had already come up for hearing in KVATA 567/17 , 568 /17 and final order was passed dt 29.12.2017, On which this authority has directed to the Assessing authority to verify the documents and ascertain the output tax collected by the appellant. As per this order the assessing authority has verified the books and documents that was produced before her on 15.02.2019 and as the appellant could not produce all the documents required she had finalised the assessment . Now again the appellant has appeared this office with the same contentions, I find that the appellant was given one good opportunity to substantiate his, and the appellant could do it only partially to prove it. Hence it is evident that the appellant does not have adequate documents and hence , As the fact is settled at the hands of the Assessing officer. I do not find any merit to go into same kind of contentions raised by the appellant. This appeal is hence dismissed.

Result: Dismissed

ASSISTANT COMMISSIONER (APPEALS)

THRISSUR

To

*The Appellant through the Authorized Representative,
Copysubmitted1.JointCommissioner(Law),SGSTDept,Thiruvananthapuram,
2 . Deputy Commissioner ,SGST Dept , Thrissur*

Copy forwarded to

1. State Tax Officer, IV Circle, Thrissur

KVATA 274/19

2. *Asst Commissioner ,SGST Dept, Thrissur.*
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