



आयुक्त का कार्यालय

OFFICE OF THE COMMISSIONER

केंद्रीय वस्तु एवं सेवा कर तथा केंद्रीय उत्पाद शुल्क, अहमदाबाद उत्तर
CENTRAL GOODS & SERVICES TAX & CENTRAL EXCISE, AHMEDABAD NORTH

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निबन्धित पावती डाक द्वारा/By R.P.A.D

फा.सं./F.No. STC/15-96/OA/2021

आदेश की तारीख/Date of Order:-29.03.2022

जारी करने की तारीख/Date of Issue :- 29.03.2022

DIN NO: 20220364WT000000DBFD

द्वारा पारित/Passed by:-

आर गुलजार बेगम *IR. GULZAR BEGUM*

अपर आयुक्त / Additional Commissioner

मूल आदेश संख्या / Order-In-Original No. 106-107/ADC/GB/2021-22

जिस व्यक्ति(यों) (को यह प्रति भेजी जाती है, उसके/उनके निजी प्रयोग के लिए मुफ्त प्रदान की जाती है।

This copy is granted free of charge for private use of the person(s) to whom it is sent.

इस आदेश से असन्तुष्ट कोई भी व्यक्ति इस आदेश के विरुद्ध अपील, इसकी प्राप्ति से) 60 साठ (दिन के अन्दर आयुक्त) अपील, (केन्द्रीय वस्तु एवं सेवा कर एवं उत्पाद शुल्क, केन्द्रीय उत्पाद शुल्क भवन, अंबावाड़ी, अहमदाबाद-380015) को प्रारूप संख्या इ.ए (1-A.E) 1-में दाखिल कर सकता है। इस अपील पर रू) 2.00 .दो रुपये (का न्यायालय शुल्क टिकट लगा होना चाहिए।

Any person deeming himself aggrieved by this order may appeal against this order in form EA-1 to the Commissioner(Appeals), Central GST & Central Excise, Central Excise Building, Ambawadi, Ahmedabad-380015 within sixty days from the date of its communication. The appeal should bear a court fee stamp of Rs. 2.00 only.

इस आदेश के विरुद्ध आयुक्त के शुल्क गये मांगे पहले से करने अपील में (अपील) 7.5% का भुगतान करना होगा, जहाँ शुल्क यानि की विवादग्रस्त शुल्क या विवादग्रस्त शुल्क एवं दंड या विवादग्रस्त दंड शामिल है।

An appeal against this order shall lie before the Commissioner (Appeal) on payment of 7.5% of the duty demanded where duty or duty and penalty are in dispute, or penalty, where penalty alone is in dispute. (as per amendment in Section 35F of Central Excise Act, 1944 dated 06.08.2014)

उक्त अपील, अपीलकर्ता द्वारा प्रारूप संख्या इ.ए 1-में दो प्रतियों में दाखिल की जानी चाहिए। उस पर केन्द्रीय उत्पाद शुल्क) अपील (नियमावली 2001 के नियम 3 के प्रावधानों के अनुसार हस्ताक्षर किए जाने चाहिए। उक्त अपील के साथ निम्नलिखित दस्तावेज संलग्न किए जाएं।

(1)

उक्त अपील की प्रति।

(2) निर्णय की प्रतियाँ अथवा जिस आदेश के विरुद्ध अपील की गई है, उनमें से कम से कम एक प्रमाणित प्रति हो, या दूसरे आदेश की प्रति जिसपर रू) 2.00 .दो रूपये (का न्यायालय शुल्क टिकट लगा होना चाहिए।

The appeal should be filed in form EA-1 in duplicate. It should be signed by the appellant in accordance with the provisions of Rule 3 of Central Excise (Appeals) Rules, 2001. It should be accompanied with the following:

- (1) Copy of accompanied Appeal.
- (2) Copies of the decision or, one of which at least shall be certified copy, the order Appealed against OR the other order which must bear a court fee stamp of Rs.2.00.

विषय:- कारण बताओ सूचना/ Show Cause Notice No. STC/15-148/OA/2020 dated 21.10.2020 & STC/15-96/OA/2021 dated 23.04.2021 issued to M/s. M. L. TREHAN, A-504/SHREE BALAJI RESIDENCY Sabarmati, Motera Ahmedabad-380008.

BRIEF FACTS OF THE CASE :

M/s. M. L. TREHAN, A-504/SHREE BALAJI RESIDENCY Sabarmati Motera Ahmedabad-380008 (hereinafter referred to as the 'Assessee' for the sake of brevity) is registered under Service Tax having Registration No.-AAQFM6391LSD001.

2. On perusal of the data received from CBDT, it was noticed that the assessee had declared different values in Service Tax Return (ST-3) and Income Tax Return (ITR/Form 22AS) for the Financial year 2015-16.

3. On scrutiny of the above data, it is noticed that the Assessee has declared less taxable value in their Service Tax Return (ST-3) for the F.Y.2015-2016 as compared to the Service related taxable value declared by them in their Income Tax Return (ITR)/ Form 26AS, the details of which are as under:

(Amount in Rs.)

Sr No	F. Y.	Sales/Gross Receipts from Services(Value from ITR)	Gross Value of Services provided(STR)	TOTAL VALUE for TDS(including 194C,194Ia,194Ib,194J,194H)	VALUE DIFFERENCE in ITR and STR	VALUE DIFFERENCE in TDS and STR	HIGHER VALUE(VALUE DIFFERENCE in ITR & STR) OR (VALUE DIFFERENCE in TDS & STR)	Resultant Service Tax short paid (including Cess)
1.	2015-16	43505732	0	36534910	43505732	36534910	43505732	6308331

4. To explain the reasons for such difference and to submit documents in support thereof viz. Balance Sheet, Profit & Loss Account, Income Tax Returns, Form: 26AS, Service Income and Service Tax Ledger and Service Tax (ST-3) Returns for the Financial Year 2015-16, letter dated 07.01.2020 was issued to the said assessee. However, the said assessee neither submitted any details/documents explaining such difference nor responded to the letters in any manner. For this reason, no further verification could be done in this regard by the department.

5. Since the assessee has not submitted the required details of services provided during the Financial Year 2015-16, the service tax liability of the service tax assessee has been ascertained on the basis of income mentioned in the ITR returns and Form 26AS filed by the assessee with the Income Tax Department. The figures/data provided by the Income Tax Department is considered as the total taxable value in order to ascertain the Service tax liability under Section 67 of the Finance Act, 1994.

6. No data was forwarded by CBDT, for the period 2016-17 to 2017-18 (upto June-2017) and the assessee has also failed to provide any information regarding rendering of taxable service for this period. Therefore, at this stage, at the time of issue of SCN, it is not possible to quantify short payment of Service Tax, if any, for the period 2016-17 to 2017-18 (upto June-2017).

7. With respect to issuance of unquantified demand at the time of issuance of SCN, Master Circular No. 1053/02/2017-CX dated 10.03.2017 issued by the CBEC, New Delhi clarifies that:

'2.8 Quantification of duty demanded: It is desirable that the demand is quantified in the SCN, however if due to some genuine grounds it is not possible to quantify the short levy at the time of issue of SCN, the SCN would not be considered as invalid. It would still be desirable that the principles and manner of computing the amounts due from the noticee are clearly laid down in this part of the SCN. In the case of Gwalior Rayon Mfg. (Wvg.) Co. Vs .UOI, 1982 (010) ELT 0844 (MP), the Madhya Pradesh High Court at Jabalpur affirms the same position that merely because necessary particulars have not been stated in the show cause notice, it could not be a valid ground for quashing the notice, because it is open to the petitioner to seek further particulars, if any, that may be necessary for it to show cause if the same is deficient.'

8. From the data received from CBDT, it appears that the **"Total Amount Paid/Credited Under Section 194C,194H,194I,194J OR Sales/Gross Receipts From Services (From ITR)"** for the assessment year 2016-17 to 2017-18 (upto June-2017) has not been disclosed thereof by the Income Tax Department, nor the reason for the non disclosure was made known to this department. Further, the assessee has also failed to provide the required information even after the issuance of letters and summons from the Department. Therefore, the assessable value for the year 2016-17 to 2017-18 (upto June-2017) is not ascertainable at the time of issuance of this Show Cause Notice. Consequently, if any other amount is disclosed by the Income Tax Department or any other sources/agencies, against the said assessee, action will be initiated against the said assessee under the proviso to Section 73(1) of the Finance Act 1994 read with para 2.8 of the Master Circular No. 1053/02/2017-CX dated 10.03.2017, **in as much as the Service Tax liability arising in future, for the period 2016-17 to 2017-18 (upto June-2017)covered under this Show Cause Notice, will be recoverable from the assessee accordingly.**

9. The government has from the very beginning placed full trust on the service provider so far service tax is concerned and accordingly measures like Self-assessments etc., based on mutual trust and confidence are in place. Further, a taxable service provider is not required to maintain any statutory or separate records under the provisions of Service Tax Rules as considerable amount of trust is placed on the service provider and private records maintained by him for normal business purposes are accepted, practically for all the purpose of Service tax. All these operate on the basis of honesty of the service provider; therefore, the governing statutory provisions create an absolute liability when any provision is contravened or there is a breach of trust placed on the service provider, no matter how innocently. From the evidence, it appears that the said assessee had not taken into account all the income received by them for rendering taxable services for the purpose of payment of service tax and thereby evaded their tax liabilities. The service provider appears to have made deliberate efforts to suppress the value of taxable service to the department and appears to have not paid the liable service tax in utter disregard to the requirements of law and breach of trust deposed on them. Such outright act in defiance of law, appear to have rendered them liable for stringent penal action as per the provisions of Section 78 of the Finance Act, 1994 for suppression or concealment or furnishing inaccurate value of taxable service with an intent to evade payment of service tax.

10. In light of the facts discussed here-in-above and the material evidences available on records, it is revealed that the asseessee, M/s. M. L. TREHAN, have committed the following contraventions of the provisions of Chapter-V of the Finance Act, 1944, the Service Tax Rules, 2004:

- (i) Failed to declare correctly, assess and pay the service tax due on the taxable services provided by them and to maintain records and furnish returns, in such form i.e. ST-3 and in such manner and at such frequency, as required under Section 70 of the Finance Act, 1994 read with Rule 6 & 7 of the Service Tax Rules, 1994;
- (ii) Failed to determine the correct value of taxable service provided by them under

Section 67 of the Finance Act, 1994 as discussed above;

- (iii) Failed to pay the Service Tax correctly at the appropriate rate within the prescribed time in the manner and at the rate as provided under the said provision of Section 66B and Section 68 of the Finance Act, 1994 and Rules 2 & 6 of the Service Tax Rules, 1994 in as much as they have not paid service tax as worked out in the Table for Financial Year 2015-16.
- (iv) All the above acts of contravention on the part of the said assessee appear to have been committed by way of suppression of facts with an intent to evade payment of service tax, and therefore, the said service tax not paid is required to be demanded and recovered from them under Section 73 (1) of the Finance Act, 1994 by invoking extended period of five years.
- (v) All these acts of contravention of the provisions of Section 68, and 70 of the Finance Act, 1994 read with rule 6, and 7 of Service Tax Rules, 1994 appears to be publishable under the provisions of Section 78 of the Finance Act, 1994 as amended from time to time.
- (vi) The said assessee is also liable to pay interest at the appropriate rates for the period from due date of payment of service tax till the date of actual payment as per the provisions of Section 75 of the Finance Act, 1994.
- (vii) Section 77 of the Finance Act, 1994 in as much as they did not provide required data /documents as called for, from them.

11. The above said service tax liabilities of the assessee, M/s M. L. TREHAN, has been worked out on the basis of limited data/ information received from the Income tax department for the financial year 2015-16. Thus, the present notice relates exclusively to the information received from the Income Tax Department.

12. It has been noticed that at no point of time, the assessee has disclosed or intimated to the Department regarding receipt/providing of Service of the differential value, that has come to the notice of the Department only after going through the third party CBDT data generated for the Financial Year 2015-2016. From the evidences, it appears that the said assessee has knowingly suppressed the facts regarding receipt of/providing of services by them worth the differential value as can be seen in the table hereinabove and thereby not paid / short paid/ not deposited Service Tax thereof to the extent of Rs. 6308331/-(including Cess). It appears that the above act of omission on the part of the Assessee resulted into non-payment of Service tax on account of suppression of material facts and contravention of provisions of Finance Act, 1994 with intent to evade payment of Service tax to the extent mentioned hereinabove. Hence, the same appears to be recoverable from them under the provisions of Section 73(1) of the Finance Act, 1994 read with Notification dated 27.06.2020 issued vide F.No.CBEC-20/06/08/2020-GST by invoking extended period of time, along with Interest thereof at appropriate rate under the provisions of Section 75 of the Finance Act, 1994 and penalty under Section 78 of the Finance Act, 1994.

13. Therefore, M/s. M. L. TREHAN A-504/SHREE BALAJI RESIDENCY Sabarmati Motera Ahmedabad-380008 called upon to show cause before the Additional Commissioner, Central Goods and Service Tax, Ahmedabad North having his office situated at 1st Floor, Customs House, Opposite Old High Court, Income Tax Cross Road, Navrangpura, Ahmedabad -380009 as to why :

- (i) The Service Tax to the extent of Rs. 6308331/- short paid /not paid by them, should not be demanded and recovered from them under the provisions of Section 73 of the Finance Act, 1994 read with Notification dated 27.06.2020 issued vide F.No.CBEC-20/06/08/2020-GST;

- (ii) Service Tax liability not paid during the financial year 2016-17 to 2017-18 (upto June-2017), ascertained in future, as per paras no. 9 and 10 above, should not be demanded and recovered from them under proviso to Sub-section (1) of Section 73 of Finance Act, 1994.
- (iii) Interest at the appropriate rate should not be demanded and recovered from them under the provisions of Section 75 of the Finance Act, 1994;
- (iv) Penalty under the provisions of Section 77(1)(c) and 77(2) of the Finance Act, 1994 amended, should not be imposed on them.
- (v) Penalty should not be imposed upon them under the provisions of Section 78 of the Finance Act, 1994.

14. Another Show Cause Notice has also been issued to the assessee from F. No. STC/15-96/OA/2021 dated 23.04.2021 for the period 2015-16 and 2016-17 as detailed below;

(Amount in Rs.)

Sr No	F. Y.	Taxable Value as per ST-3 returns	Gross Receipts (Value from ITR/26AS)	DIFFERENCE between Value of Services from ITR/26AS and Gross Value in Service Tax Provided (in Rs.)	Resultant Service Tax short paid (including Cess)
1.	2015-16	0	36534910	36534910	5297562
2.	2016-17	0	30258867	30258867	4538830

Considering highest difference for the year 2015-16 and 2016-17 as stated in para 3 & 14 mentioned table supra, I hereby adjudicate herewith highest difference from ITR/26AS and ST-3 returns as detailed below;

Sr No	F. Y.	Taxable Value as per ST-3 returns	Gross Receipts (Value from ITR/26AS)	DIFFERENCE between Value of Services from ITR/26AS and Gross Value in Service Tax Provided (in Rs.)	Resultant Service Tax short paid (including Cess)	Remarks
1.	2015-16	0	43505732	43505732	6308331	Based on the SCN dated 21.10.2020
2.	2016-17	0	30258867	30258867	4538830	Based on the SCN dated 23.04.2021

DEFENCE REPLY :

15. The assessee has submitted their defence reply on 22.03.2022 wherein they stated that they are Class-A Contractor for Water Supply works for MES (Military Engineering services) Indian Armed Forces for all of the India. During the

period under review i.e. 2015-16 and 2016-17, they provided the services of Water Supply lines at the AIRFORCE STATION, NALIYA - GUJARAT. In support of they submitted e Work Order; that during the years 2015-16 and 2016-17 they provided **services of Water Supply lines and its maintenance at the AIRFORCE STATION, NALIYA - GUJARAT;** that during the year 2015-16 there is difference in Total Sales and Total TDS deducted, so in this year they had supplied the materials to **AIRFORCE STATION, NALIYA - GUJARAT** which is also part of their total sales included in the Audit Report on that Amount TDS has not been deducted. During that year they had supplied the Materials for Rs. 30,31,449/- and as it is the Sale of Material TDS has not been deducted on the same. Further there is an error on the Part of **AIRFORCE STATION, NALIYA - GUJARAT** while filling the TDS Return. Total TDS has been deducted on 4,05,00,000/- (Rupees Four Crore Five Lakh only) details calculation and reconciliation has been submitted for perusal; that the Water Supply Service provided to Government, a local authority or a governmental authority has been made exempted from the levy of Service Tax vide Notification no. 25/2012 - Service Tax dated 20th June, 2012(Clause - 25 (a)). we are producing herewith the clause for your perusal. **Vide Notification no. 25/2012 - Service Tax dated 20th June, 2012. The central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the following taxable services from the whole of the service tax leviable thereon u/s 66B of the said Act, namely :-**

“25.Services provided to Government, a local authority or a governmental authority by way of :

- (a) water supply, public health, sanitation conservancy, solid waste management or slum improvement and upgradation;“**

that they provided copy of Work Order, Income Tax return copy and Form 26AS for the F.Y. 2015-16 and 2016-17 for perusal; that as per the above mentioned notification their services are of exempt category and hence service tax is not leviable and hence request you to kindly drop the Show Cause Notice and oblige.

PERSONNEL HEARING

16. Personnel Hearing was granted to the assessee in respect of both the Show Cause Notice. Shri Mahaveer. S. Sangavat, Authorised representative appeared for personnel hearing on 25.03.2022. He submitted written reply dated 22.03.22 and requested to drop the proceedings.

DISCUSSION AND FINDINGS;

17. I have carefully gone through the records of the case, submission made by the noticee in reply to the show cause notices, ITR, Balance sheet for the year 2015-16 to 2016-17. In the present case, Show Cause Notices were issued to the noticee demanding Service Tax for the financial year 2015-16 and 2016-17 on the basis of data received from Income Tax authorities and find that the noticee had obtained Service Tax registration and also filed the ST-3 Returns as stipulated in the Finance Act, 1994 and rules made thereunder. The Show Cause Notices alleged non-payment of Service Tax, charging of interest in terms of Section 75 of the Finance Act, 1994 and penalty under Section 77 and 78 of the Finance Act, 1994. The assessee submitted that they are Class-A contractor for water supply works for MES (Military Engineering services) Indian Armed Forces for all of the India. During the period under review i.e. 2015-16 and 2016-17, they provided the services of Water Supply lines at the AIRFORCE STATION, NALIYA - GUJARAT. They also submitted that the Water Supply Service provided to Government, a local authority or a governmental authority has been made exempted from the levy of Service Tax vide Notification no. 25/2012 - Service Tax dated 20th June, 2012(Clause - 25 (a)).

17.1. In the instant SCN, the point is regarding taxability of Services of Water Supply works/ Lines and maintainanace Services to the Government. In this regard on perusal of reply to SCN and other documents submitted by the assessee, I find that the *main business of their company is to provide Services of Water Supply works for MES (Military Engineering services) Indian Armed Forces. They have given the clarification regarding differential value of Rs. 4,35,05,732/- for the year 2015-16 and Rs. 30258867 for the year 2016-17. I discuss herewith year by year :*

2015-16 ;

During the year 2015-16, The show cause notice was issued on 21.10.2020 for highest differential amount of Rs. 43505732/-. I find from the available records in file that the assessee is a contractor for water Supply Works for MES, Indian Armed force. While going through the financial records i.e Profit and loss account for the year 2015-16, I find that there is receipt of Rs. 4,35,05,732/- towards Receipt from Construction Contract. However, while going through the sales account ledger, there is job work income of Rs. 4,04,74,283/- and Sales of Material of Rs. 30,31,449/-. (Total Rs. 4,35,05,732) for the services provided to Airforce Station. i.e Government of India. I have verified their contract dated 12.09.2014 wherein assessee have been allotted work to Provide Materials and Labour for the entire completion of work as per CA. The date of handing over site and commencement of work is 22.09.2014 and date of completion of work is 21.12.2015. The said contract is for an amount of Rs. 10,39,10,418/- . However, the assessee has furnished the certificate dated 23.10.2021, wherein Shri R. T. Salke, AE (E/M) for Garrison Engineer (AF), Millitary Engineer Services, Naliya has certified that the said work has satisfactory completed on 16.11.2020. I find that there is no Service Element involved in sales account ledger, there is job work income of Rs. 4,04,74,283/- and Sales of Material of Rs. 30,31,449/-. (Total Rs. 4,35,05,732). I discuss the taxability of the same lateron in the para of the said order.

2016-17 ;

During the year 2016-17, The show cause notice was issued on 23.04.2021 for highest differential amount of Rs. 30258867/-. I find from the available records in file that the assessee has carried out same work as reflected in the year 2015-16. While going through the financial records i.e 26AS for the year 2016-17, I find that there is receipt of Rs. 30258867/- from GE, Airforce Gandhinagar. i.e Government of India. The said amount is same as per differential amount demand in Show Cause Notice. I have verified their contract dated 12.09.2014 , commencement of work is 22.09.2014 and date of completion of work was 21.12.2015. However, the said contract completed as assessee has furnished the certificate dated 23.10.2021, wherein Shri R. T. Salke, AE (E/M) for Garrison Engineer (AF), Millitary Engineer Services, Naliya has certified that the said work has satisfactory completed on 16.11.2020.

17.2 Now I discuss the taxability of the work carried out by the assessee. In this connection, I reproduce herewith the relevant portion of notification No. 25/2012- Service Tax dated 20.06.2012

The central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the following taxable services from the whole of the service tax leviable thereon u/s 66B of the said Act, namely :-

"25. Services provided to Government, a local authority or a governmental authority by way of :



(a) water supply, public health, sanitation conservancy, solid waste management or slum improvement and upgradation;

I find from the documents furnished by the assessee that the assessee company have provided Services of *Water Supply* works for MES (Military Engineering services), Indian Armed Forces for the subject SCN period. I find that the assessee has rightly claim the benefit of Clause (a) of Notification No. 25/2012 ST dated 20.06.2012 for providing services of Water Supply works for MES (Military Engineering services), Indian Armed Forces and therefore the assessee is not liable to pay Service tax on the differential duty demanded vide aforesaid Show Cause Notices.

Description	2015-16	2016-17
Differential value on which service tax demanded as per SCN	43505732	30258867
Services Provided to Air Force Station, Government entity	43505732	30258867
Difference	0	0

17.3 On perusal of documents, I find that the noticee though holding service tax registration has provided services for Water Supply works for MES (Military Engineering services), Indian Armed Forces and assessee has rightly claim the benefit of Clause (a) of Notification No. 25/2012 ST dated 20.06.2012 for providing services of Water Supply works for MES (Military Engineering services), Indian Armed Forces and therefore the assessee is not liable to pay Service tax on the differential duty demanded vide aforesaid Show Cause Notices.

17.4 The Balance sheet and profit and loss account of an assessee is vital statutory records. Such records are prepared in statutory format and reflect financial transactions, income and expenses and profit and loss incurred by company during a financial year. The said financial records are placed before different legal authorities for evincing true financial position. Assessee was legally obligated to maintain such records according to generally accepted accounting principles. They cannot keep it in unorganized method. The statute provides mechanism for supervision and monitoring of financial records. It is mandate upon auditor to have access to all the bills, vouchers, books and accounts and statements of a company and also to call additional information required for verification and to arrive fair conclusion in respect of the balance sheet and profit and loss accounts. It is also onus upon auditor to verify and make a report on balance sheet and profit and loss accounts that such accounts are in the manner as provided by statute and give a true and fair view on the affairs. The Chartered Accountant, who audited the accounts of the assessee, being qualified professional has given declaration that the balance sheet and profit and loss accounts of the noticee reflect true and correct picture of the transaction and therefore, I have no option other than to accept the classification of incomes under profit and loss account alongwith ledger as true nature of the business and to proceed to conclude instant proceedings accordingly.

18. While considering all these aspects, I find that the services provided by the assessee are not come under the preview of taxable service and thereby they are exempted from payment of service tax. As supra, I find that as the differential income for the year 2015-16 and 2016-17 are only Services Income Provided to Government in the capacity of contractor and thereby not liable to service tax.

19. Further, on perusal of para 6 of SCN, I find that the levy of Service Tax for the financial year 2017-18 (Up to June 2017), which was not ascertainable at the time of issuance of subject SCN, if he same was to be disclosed by the Income Tax department or any other source/agencies, against the said assessee, action was to be initiated against assessee under proviso to Section 73(1) read with master Circular No. 1053/02/2017-CX dated 10.03.2017, the service tax liability was to be recovered from the assessee accordingly, I however, do not find any charges leveled for the demand for the year 2017-18 (Up to June 2017), in charging para of the SCN. I find that the SCN had not questioned the taxability on any income other than the income from sale of services shown in ITR/Form 26AS. I therefore refrain myself from to enter in to the taxability on other income other than the sale of service.

20. In view of the above discussion and on perusal of SCN, submissions made by the said assessee, duly audited Balance Sheet, ITR, reconciliation statement, I find that the service tax demand as detailed below is not sustainable and accordingly Show Cause Notices dated 21.10.2020 and 23.04.2021 is liable to be dropped. Further, as the SCN itself is not sustainable there is no reason to charge interest or to impose penalty upon noticee on this count.

Accordingly, I pass the following order;

ORDER

21. I hereby order to drop proceedings initiated against M/s. M. L. TREHAN A-504/SHREE BALAJI RESIDENCY Sabarmati, Motera Ahmedabad-380008, for recovery of Service Tax of Rs. 63,08,331/- for the year 2015-16 vide SCN. No. STC/15148/OA/2020 dated 21.10.2020, as discussed herein above para no. 14.

I hereby order to drop proceedings initiated against M/s. M. L. TREHAN A-504/SHREE BALAJI RESIDENCY Sabarmati , Motera Ahmedabad-380008, for recovery of Service Tax of Rs. 45,38,830/- for the year 2016-17 vide SCN. No. STC/15-96/OA/2021/ dated 23.04.2021, as discussed herein above para no. 14.

Both the Show Cause Notices are disposed off herewith.

R. Gulzar Begum ^N
29/03/22

(R.GULZAR BEGUM)
Additional Commissioner
Central GST & Central Excise
Ahmedabad (North)

Date: 29/03/2022

F.No. STC/15-96/OA/2021

To
M/s. M. L. TREHAN
A-504/SHREE BALAJI RESIDENCY Sabarmati
Motera Ahmedabad-380008

Copy for information to:

- 1 The Commissioner of CGST & C.Ex., Ahmedabad North.
- 2 The Deputy Commissioner Division-VII, Central Excise & CGST, Ahmedabad North.
- 3 The Superintendent, Range-V, Division-VII, Central Excise & CGST, Ahmedabad North
- 4 The Superintendent(system) CGST, Ahmedabad North for uploading on website.
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