



प्रधान आयुक्त का कार्यालय,
Office of the Principal Commissioner,

केंद्रीय जीएसटी अहमदाबाद दक्षिण आयुक्तालय
Central GST, Commissionerate- Ahmedabad South,

अपराध और अधिनिर्णय खंड, अम्बावाड़ी, GST भवन, अहमदाबाद
३८००१५.

4th Floor, O&A Section, GST Bhavan, Ambawadi 380015



निबन्धित पावती डाक द्वारा/ By REGISTERED POST A.D.

फा.सं /F.No. CGST/04-69/O&A/Amara/2022-23

DIN-20230664WS000031313D

आदेश की तारीख/Date of Order : 05-06-2023

जारी करने की तारीख/Date of Issue : 05-06-2023

द्वारा पारित / Passed by: Shri Shrayan Ram, JOINT COMMISSIONER

मूल आदेश सं./Order-In-Original No. 02/CGST/Ahmedabad South/JC/SR/2023-24

यह प्रति उस व्यक्ति (यों) को, जिसके (जिनके) लिए यह आदेश जारी किया गया है, उसके(उनके) व्यक्तिगत उपयोग के लिए निःशुल्क प्रदान की जाती है।

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

यदि कोई व्यक्ति इस आदेश से स्वयं को असंतुष्ट अनुभव करता है, तो वह इस आदेश के विरुद्ध आयुक्त(अपील), केन्द्रीय जीएसटी, केन्द्रीय जीएसटी भवन, आंबावाड़ी, अहमदाबाद-15 को प्रारूप GST APL-01 में अपील कर सकता है। उक्त अपील पक्षकार पर आदेश तामील होने अथवा अथवा उसे डाक द्वारा प्राप्त करने की तारीख से दो माह के भीतर दाखिल की जानी चाहिए। इसपर रुपए 2.00/- केवल कान्यायालय शुल्क टिकट लगा होना चाहिए।

Any person deeming himself aggrieved by this Order may appeal against this order in Form GST APL-01 to Commissioner (Appeals), Central GST, Central GST Bhavan, Near Government Polytechnic, Ambawadi, Ahmedabad -15 within sixty days from date of its communication. The appeal should bear a court fee stamp of Rs.2.00/- only.

उक्त अपील सीजीएसटी/ एसजीएसटी नियम 2017के नियम 108 के प्रावधानों के अनुसार फॉर्म संख्या GST APL-01 में दाखिल की जानी चाहिए।

The Appeal should be filed in form No. GST APL-01 in accordance with provision of Rule 108 of the CGST/SGST Rules 2017.

निर्णयकी दो प्रतियाँ (उसमें से एक उस आदेश की प्रमाणित प्रतिलिपि होनी चाहिए जिसके विरुद्ध अपील की गई है) अथवा उक्त आदेश की अन्य प्रति जिसपर रु 2.00/- का न्यायालय शुल्क टिकट अवश्य लगा होना चाहिए।

Copies of the Decision (one of which at least shall be certified copy of the order appealed against) or copy of the said Order bearing a court feestamp of Rs.2.00/-.

उप धारा के(1) तहत कोई अपील नहीं भरी जायेगी, जब तक कि अपीलकर्ता ने भुगतान नहीं किया है.

(1) पूर्ण रूप से कर ब्याज जुर्माना शुल्क और दंड की राशि का ऐसा हिस्सा, जो आक्षेपित आदेश से उत्पन्न होता है जैसा की उसके द्वारा स्वीकार किया गया है ; और

(2) उक्त आदेश से उत्पन्न विवाद में कर की शेष राशि के दस प्रतिशत के बराबर राशि, (अधिकतम पच्चीस करोड़ रुपए के अधीन), जिसके सम्बन्ध में अपील दायर की गई है

[बशर्त की धारा 129 की उप धारा (3) के तहत एक आदेश के खिलाफ कोई अपील दायर नहीं की जायेगी जब तक कि अपीलकर्ता द्वारा पच्चीस प्रतिशत जुर्माना के बराबर राशि का भुगतान नहीं किया गया हो]

No appeal shall be filed under sub-section (1), unless the appellant has paid-

(a) In full, such part of the amount of tax, interest fine fee and penalty arising from the impugned order, as in admitted by him; and

(b) A sum equal to ten percent of the remaining amount of tax in dispute arising from the said order. [subject to a maximum of twenty five crore rupees] in relation to which the appeal has been filed.

[Provided that no appeal shall be filed against an ordered under sub-section (3) of section 129, unless a sum equal to twenty five percent of penalty has been paid by the appellant]

संदर्भ/Reference : कारण बताओ सूचना फा.सं. /F. No. CGST/WS0604/TRAN-1/Tran Verification/P-1/6/2019-20 dated 10.09.2021 issued to M/s. Amara Raja Batteries Ltd, 405-406, Opp. Cargo Ford, Raindrops Building, Near Union Bank, C.G. Road Ahmedabad-380006.

BRIEF FACTS OF THE CASE

M/s. Amara Raja Batteries Limited, situated at 405-406, Opp. Cargo Ford, Raindrops Building, Near Union Bank, C. G. Road, Ahmedabad-380 006 at (hereinafter referred to as the said "Tax Payer") are engaged in the manufacture/providing service of 'Office / Sale Office, Warehouse / Depot'. They were registered with the Central Excise and Service Tax Department having Service Tax Registration No. AABCA9264EED027 and at present holding GSTIN 24AABCA9264E1ZV The said Tax Payer filed TRAN-1 on 17-10-17 and has taken transitional credit of Central Excise/Service Tax amounting to Rs. 1,44,36,029/- in their electronic Credit ledger under Section 140 of the CGST Act, 2017.

2. Section 140 of the CGST Act, 2017 allows a registered person to take Cenvat credit of eligible duties carried forward in the return relating to the period ending with the day immediately preceding the appointed day, furnished by him under the existing law within such time and in such manner as may be prescribed subject to the conditions specified therein. The Explanations 1 & 2, below the said Section defines "eligible duties" the credit of which can be carried forward.

Further, the provision to section 140 of the CGST Act read as under; Provided that the registered person shall not be allowed to take credit unless the said credit was admissible as CENVAT credit under the existing law and is also admissible as input tax credit under the Act.

(a) Section 16 of the CGST Act, 2017 prescribed eligibility and conditions for taking input tax credit — (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed and in the manner specified in section 49, be entitled to take credit of input tax charged on any supply of goods or services or both to him which are used or intended to be used in the course or furtherance of his business and the said amount shall be credited to the electronic credit ledger of such person. (2) Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless,— he is in possession of a tax invoice or debit note issued by a supplier registered under this Act, or such other tax paying documents as may be prescribed;

3. In terms of the above provision the tax payers were required to possess and produce the documents for verification, whenever called for by the Department. In absence of the same admissibility of the credit cannot be established.

4. Whereas in order to ascertain/verify the admissibility of the transitional credit availed, the Tax Payer was requested to submit the documents based on which they have availed the said transitional credit in TRAN-1 vide letter F.No. CGST/WS0604/TRAN VERIFICATOIN/P-1/6/2019-20 dated 03.01.2020 subsequent to which reminders/email were issued for said information. However, in-spite of repeated request the taxpayer has not submitted the required documents for verifying the admissibility of transitional credit claimed by them. In absence of the required documents, this office is not in a position to arrive at the admissibility of transactional credit claimed by them. Then after, an intimation dated 03.09.2021 (Form GST DRC 01A) of tax ascertained being payable under Section 73(5)/74(5) of the CGST Act,2017 read with Rule 142(1A) of the CGST Rules, 2017 was issued to the taxpayer.

5. Whereas the Taxpayer has failed to submit the required documents, admissibility of geniuses of the credit could not be verified. Hence it appears that the transitional credit amounting to Rs. 1,44,36,029/- availed by them is not admissible to them and the same requires to be recovered from them under the provisions of Section 73(1) of the CGST Act, 2017 read with Rule 121 of the CGST Rules, 2017 along with applicable interest under Section 50 of the CGST Act, 2017.

6. It further appears that by not providing the documents called for, the Taxpayer has intentionally suppressed the information from the department. Thus, the Taxpayer appears to have has violated the provisions of Section 140 of the CGST Act, 2017 and has rendered themselves liable for a penal action under the provisions of Section 122 (1) (xvii) of CGST Act, 2017.

7. Further, according to provision made under section 155 of the CGST Act, 2017, onus to prove admissibility of the credit availed lies on the assessee. Text of the said Section is reproduced as under:

“155, Burden of proof .— Where any person claims that he is eligible for input tax credit under this Act, the burden of proving such claim shall lie on such person.”

In view of the above, the burden to prove the admissibility of the credit availed under Tran-I rest with the Tax Payer which they have not fulfilled by not providing the required documents for verification.

8. Hence, M/s. Amara Raja Batteries Limited was called upon to show cause to the Assistant Commissioner, Central Goods & Services Tax, Division-VI, having his office at 3rd Floor, Central GST Bhavan, APM Mall, Seema Hall Road, Ahmedabad as to why:

- 1) The transitional credit of input tax amounting to Rs. 1,44,36,029/- (Rupees One Crore Forty Four Lac Thirty Six Thousand Twenty Nine Only) wrongly carried forward and utilized by them, should not be demanded and recovered from them, under the provisions of Section 73(1) of the CGST Act read with the provisions of Rule 121 of the CGST Rules;
- 2) Interest should not be charged and recovered from them under the provisions of Section 50 of the CGST Act; and
- 3) Penalty should not be imposed on them under the provisions of Section 122 (1) (xvii) of the CGST Act on the grounds discussed herein above.

A corrigendum to the show cause notice F.No. CGST/WS0604/TRAN-1/Tran Verification/P-1/6/2019-20 dated 10/09/2021 was issued under F.No.V/WS06/SCN-234/2021-22 dated 18/08/2022 by the Assistant Commissioner, CGST Division-VI, Ahmedabad South having his office at 3rd Floor, APM Mall, Seema Hall Road, Ahmedabad making the show cause notice answerable to the Joint Commissioner, Central Goods & Services Tax, Ahmedabad having his office at 6th Floor, Central GST Bhavan, Revenue Marg, Ambawadi, Ahmedabad-380015

DEFENSE SUBMISSIONS:-

9. The tax payer submitted their reply vide letter dated 20.09.2021 that he would like to submit the photo copy of invoices for perusal. However they have not submitted any documents to this office.

PERSONAL HEARING:-

10. The tax payer had been given opportunity to be heard in person on 07.11.2022, vide this office letter F.No. STC/4-69/O&A/Amara/22-23 dated 18.10.2022. Shri Praseon Singh,

Senior Executive, Western Region , appeared for the taxpayer on virtual P.H. dated 07.11.2022 and requested to provide time for submission of documents. Their request were granted and time upto 22.11.2022 had been given to submit the documents/invoices. Further vide their additional submission dated 22.11.2022 they have submitted partial documents through their branch accountant Shri Vimal Joshi. They have further submitted that TRAN-1 Credit return was filed on basis of physical stock on 30.06.2017 after verification of invoices and due care has been taken in calculating the credit and requested to give time upto 25.11.2022 to submit the remaining invoices. The tax payer has submitted the remaining invoices vide their letter dated 23.11.2022 for verification. Consequent to the issue of Establishment Order No.08/2023 dated 13.02.2023 (DGHRD/ADC/JC/11/2023), issued by the Commissioner, Central GST, Ahmedabad South, adjudication of this case is now assigned to the undersigned. Accordingly, a fresh personal hearing was granted to the taxpayer on 22/02/2023 to comply with the principles of natural justice. However, the taxpayer vide their email dated 23/02/2023 apologized for not being able to attend the personal hearing in virtual mode due to network problem. Another personal hearing was therefore fixed in the matter on 29/05/2023, however due to pre-occupation of the adjudicating authority, the personal hearing could not be held. The personal hearing was rescheduled and held on 30/05/2023 in mutual agreement with the taxpayer. Shri Prasun Singh, Sr. Executive Commercial Coordination-Western Region appeared for personal hearing and reiterated their written reply dated 23/11/2022.

DISCUSSION & FINDINGS:-

11. I have carefully gone through the facts of the case on record and the submissions made by the Tax Payer. On recapitulating, I find that the issue involved in the present show cause notice, is related to admissibility of credit taken in TRAN-1 filed by the Tax Payer. The issue is that the Tax Payer has taken transitional credit of **Rs.1,44,36,029/-** under Section 140 of CGST Act,2017, read with rule 117 of CGST,Rules,2017 in Tran-1 return.

11.1 In the instant case, it is on record that has filed TRAN-1 on 17.10.2017 under Section 140 of the CGST Act, 2017 and has taken transitional credit of Central Taxes amounting to Rs.1,44,36,029/- in their electronic Credit ledger as Cenvat Credit carried forward under Section 140(3), of the CGST Act, 2017 [Entry 7A in table 7(a) of Tran-1] on basis of invoices/duty paying documents. As per Section 140(3) of the CGST Act, 2017 read with

Section 16(2) of the CGST Act, 2017, a registered person must possess the duty paying documents/documents for procurement of goods. It appeared that taxable person did not submit the relevant documents called for by proper officer, for verifying admissibility of transitional credit claimed by them.

11.2 Now with regard to the demand of Rs.1,44,36,029/-, I find that the Tax Payer had taken transitional credit of Rs.1,44,36,029/- under Section 140 of the CGST Act 2017 in Tran-1 return. As per **Section** 140, the transitional mechanism for carrying forward the credit pending with the erstwhile registered persons or who was not liable to be registered under the existing law, to the GST regime. I find that the taxpayer had taken credit of Rs.1,44,36,029/- in their ITC ledger as CGST credit on 17/10/2017 which pertains to the stock held by them on 30/06/2017 and the same has been reflected in TRAN-1 as per Section 140(3) of the CGST Act,2017. I find that as per Section 140(3) condition (iii) read with Section 16(2), a registered person must possess the duty paying documents for the eligible credit which has been carried forward by them.

11.3 The show cause notice for demand of **Rs.1,44,36,029/-** was issued under Section 73 of the CGST Act,2017 mainly on the grounds that the taxpayer had not submitted the documents in order to verify the genuineness of the eligible credit carried forward in TRAN-1. Section 140 of the CGST Act contains elaborate provisions relating to transitional arrangements for ITC. This section provides for a registered person, other than composition taxpayer, to carry forward closing balance of input tax credit under Central Excise and Service Tax Act as CGST and input credit under State VAT Acts as SGST, subject to specified conditions. A registered person, not liable to be registered under the pre-GST law, or who was dealing with exempted goods / services or a first / second stage dealer or a registered importer or a depot of a manufacturer, is also entitled to carry forward credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock. The important conditions prescribed for this are that the said registered person should be in possession of invoice or other prescribed documents, evidencing payment of duty under the existing law in respect of such inputs, which were issued not earlier than twelve months immediately preceding the appointed day (viz. 1 July 2017). The details of Section 140 of the CGST Act 2017 are reproduced hereunder:-

"140. (1) A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, the amount of CENVAT credit carried forward in the return relating to the period ending with the day immediately preceding the appointed day, furnished by him under the existing law in such manner as may be prescribed:

Provided that the registered person shall not be allowed to take credit in the following circumstances, namely:—

(i) where the said amount of credit is not admissible as input tax credit under this Act; or

(ii) where he has not furnished all the returns required under the existing law for the period of six months immediately preceding the appointed date; or

(iii) where the said amount of credit relates to goods manufactured and cleared under such exemption notifications as are notified by the Government.

(2) A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, credit of the unavailed CENVAT credit in respect of capital goods, not carried forward in a return, furnished under the existing law by him, for the period ending with the day immediately preceding the appointed day in such manner as may be prescribed:

Provided that the registered person shall not be allowed to take credit unless the said credit was admissible as CENVAT credit under the existing law and is also admissible as input tax credit under this Act;

Explanation.—For the purposes of this sub-section, the expression “unavailed CENVAT credit” means the amount that remains after subtracting the amount of CENVAT credit already availed in respect of capital goods by the taxable person under the existing law from the aggregate amount of CENVAT credit to which the said person was entitled in respect of the said capital goods under the existing law.

(3) A registered person, who was not liable to be registered under the existing law, or who was engaged in the manufacture of exempted goods or provision of exempted services, or who was providing work contract services and was availing of the benefit of notification No. 26/2012-Service Tax, dated 20th June, 2012 or

the first stage dealer or a second stage dealer or a registered importer or a depot of manufacturer, shall be entitled to take in his electronic credit ledger, credit of eligible duties in respect of inputs held in stock and inputs contained in semi finished or finished [goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to] the following conditions namely :-

- (i) Such inputs or goods are used or intended to be used for making taxable supplies under this Act;
- (ii) the said registered person is eligible for input tax credit on such inputs under this Act;
- (iii) the said registered person is in possession of invoice or other prescribed documents evidencing payment of duty under the existing law in respect of such inputs;
- (iv) Such invoices or other prescribed documents were issued not earlier than twelve months immediately preceding the appointed day; and
- (v) The supplier of the services is not eligible for any abatement under this Act:

Provided that where a registered person other than manufacturer or supplier of services, is not in possession of an invoice or any other documents evidencing payment of duty under the existing law in respect of such inputs, then, such registered person shall, subject to such conditions, limitations and safeguard as may be prescribed, including that the said taxable person shall pass on the benefit of such credit by way of reduced prices to the recipient, be allowed to take credit at such rate and in such manner as may be prescribed.

(4) A registered person, who was engaged in the manufacture of taxable as well as exempted goods under the Central Excise Act, 1944 (1 of 1944) or provision of taxable as well as exempted services under Chapter V of the Finance Act, 1994 (32 of 1994), but which are liable to tax under this Act, shall be entitled to take, in his electronic credit ledger,-

- (a) the amount of CENVAT credit carried forward in a return furnished under the existing law by him in accordance with the provisions of sub-section (1); and

(b) the amount of CENVAT credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day, relating to such exempted goods or services, in accordance with the provisions of sub-section (3).

(5) A registered person shall be entitled to take, in his electronic credit ledger, credit of eligible duties and taxes in respect of inputs or input services received on or after the appointed day but the duty or tax in respect of which has been paid by the supplier under the existing law, within such time and in such manner as may be prescribed, subject to the condition that the invoice or any other duty or taxpaying document of the same was recorded in the books of account of such person within a period of thirty days from the appointed day:

Provided that the period of thirty days may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding thirty days:

Provided further that said registered person shall furnish a statement, in such manner as may be prescribed, in respect of credit that has been taken under this subsection.

The provisions of law that determines eligibility and conditions for taking input tax credit are as per Section 16 of the CGST Act, 2017. Section 16 of the CGST Act provides as under:

SECTION 16. Eligibility and conditions for taking input tax credit. — (1) *Every registered person shall, subject to such conditions and restrictions as may be prescribed and in the manner specified in section 49, be entitled to take credit of input tax charged on any supply of goods or services or both to him which are used or intended to be used in the course or furtherance of his business and the said amount shall be credited to the electronic credit ledger of such person.*

(2) *Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless, —*

(a) *he is in possession of a tax invoice or debit note issued by a supplier registered under this Act, or such other taxpaying documents as may be prescribed;*

[(aa) the details of the invoice or debit note referred to in)
clause (a) has been furnished by the supplier in the statement of
outward supplies and such details have been communicated to
the recipient of such invoice or debit note in the manner
specified under section 37;]

(b) he has received the goods or services or both.

[Explanation. — For the purposes of this clause, it shall be
deemed that the registered person has received the goods or, as
the case may be, services —

(i) where the goods are delivered by the supplier to a recipient
or any other person on the direction of such registered person,
whether acting as an agent or otherwise, before or during
movement of goods, either by way of transfer of documents of
title to goods or otherwise;

(ii) where the services are provided by the supplier to any
person on the direction of and on account of such registered
person.]

(c) subject to the provisions of [section 41 or section 43A], the
tax charged in respect of such supply has been actually paid to
the Government, either in cash or through utilization of input tax
credit admissible in respect of the said supply; and

(d) he has furnished the return under section 39 :

Provided that where the goods against an invoice are received
in lots or instalments, the registered person shall be entitled to
take credit upon receipt of the last lot or instalment :

Provided further that where a recipient fails to pay to the
supplier of goods or services or both, other than the supplies on
which tax is payable on reverse charge basis, the amount
towards the value of supply along with tax payable thereon
within a period of one hundred and eighty days from the date of
issue of invoice by the supplier, an amount equal to the input
tax credit availed by the recipient shall be added to his output
tax liability, along with interest thereon, in such manner as may
be prescribed :

Provided also that the recipient shall be entitled to avail of the
credit of input tax on payment made by him of the amount

towards the value of supply of goods or services or both along with tax payable thereon.

(3) Where the registered person has claimed depreciation on the tax component of the cost of capital goods and plant and machinery under the provisions of the Income-tax Act, 1961 (43 of 1961), the input tax credit on the said tax component shall not be allowed.

(4) A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after the due date of furnishing of the return under section 39 for the month of September following the end of financial year to which such invoice or [* * *] debit note pertains or furnishing of the relevant annual return, whichever is earlier :

[Provided that the registered person shall be entitled to take input tax credit after the due date of furnishing of the return under section 39 for the month of September, 2018 till the due date of furnishing of the return under the said section for the month of March, 2019 in respect of any invoice or invoice relating to such debit note for supply of goods or services or both made during the financial year 2017-18, the details of which have been uploaded by the supplier under sub-section (1) of section 37 till the due date for furnishing the details under sub-section (1) of said section for the month of March, 2019.]

11.4 From the perusal of Section 140 of the CGST Act, 2017 it is evident that a registered person should be in possession of invoice or other prescribed documents evidencing payment of duty under the existing law in respect of such inputs which were issued not earlier than twelve months immediately preceding the appointed day (viz. 1 July 2017). Further in respect of inputs or input services received on or after the appointed day, the registered person will be entitled to take credit of eligible duties and taxes on the grounds that the duty or tax in respect of such inputs or input services have been paid by the supplier under the existing law, within such time and in such manner as may be prescribed, subject to the condition that the invoice or any other duty or taxpaying document of the same was recorded in the books of account of such person within a period of thirty days from the appointed day

Further under the provisions of Section 16 (2)(a) a registered person shall, be entitled to take credit of input tax

subject to conditions that he is in possession of a tax invoice or debit note issued by a supplier registered under this Act, or such other taxpaying documents as may be prescribed.

11.5 In the instant case, I observe that the taxpayer has taken TRAN-1 credit of Rs. 1,44,36,029/- in their ITC ledger as CGST credit on 17/10/2017 under Section 140 of the CGST Act, 2017 read with Rule 117 of the CGST Rules, 2017 by entry in table 7(a) and table 7(b) of TRAN-1. The description of **table 7(a)** in the TRAN-1 filed by the taxpayer pertains to "Amount of duties and taxes on inputs claimed as credit excluding the credit claimed under Table 5(a) (under section 140(3), 140(4)(b) and 140(6) and 140(7) wherein the entry 7A is shown as "Where duty paid invoices (including Credit Transfer Documents (CTD) are available". It appeared that the taxable person did not submit the relevant documents initially when called for to verify the admissibility of transitional credit claimed by them. In the absence of the requisite documents, it was not possible to ascertain admissibility of transitional credit claimed by the taxpayer.

The law, as provided under Section 140 of CGST Act 2017 read with section 16 of CGST Act 2017, is unambiguous and crystal clear that the credit is admissible only when the registered person is in possession of invoice or other prescribed documents evidencing payment of duty under the existing law in respect of such inputs.

11.6 The taxpayer has submitted partial documents through their branch accountant Shri Vimal Joshi on 22.11.2022. Further the tax payer has submitted the remaining invoices vide their letter dated 23.11.2022 for verification.

11.7 The jurisdictional Officer is the competent authority to examine/ verify the correctness /admissibility of documents submitted for taking credit. I observe, that if the taxpayer had provided all the documents for verification then the jurisdictional Officer could have verified the same to ascertain admissibility of the input tax credit. However the taxpayer has submitted all the documents as mentioned above during 22.11.2022 and 23.11.2022.

11.8 In order to ascertain admissibility of credit mentioning in the Tran-1, the document submitted by the taxpayer were sent for verification to the Jurisdictional Assistant Commissioner, Central Tax, Division-VI, Ahmedabad South on

04/01/2023. I find that the verification of documents to ascertain admissibility of the credit was reported by the Assistant Commissioner, Central Excise Division-VI, Ahmedabad South vide letter F.No.V/WS06/O&A/Misc/22-23 dated 16/02/2023 and reported that Tran-1 credit availed by the taxpayer are found to be in order. The verification report dated 16/02/2023 submitted by the Assistant Commissioner, Central Excise Division-VI, Ahmedabad South is reproduced below:-



By Hand Delivery

F. No. V/WS06/O&A/Misc/22-23

Date: 16/02/2023

To,
The Superintendent (O&A), HUP
Central GST,
Ahmedabad South

Subject: SCN against M/s. Amara Raja Batteries Ltd. - M/reg.


Kindly refer to your letter F. No. CGST/04-69/O&A/Amara/22-23 dated 14.02.2023 on the above subject matter.

In this regard, as required the verification report regarding availability/genuineness of the credit carried forwarded by the M/s. Amara Raja Batteries Ltd. is as under:-

The taxpayer has availed ITC of Rs. 1,44,36,027.89/- in TRAN-1. On verification of documents submitted by the taxpayer i.e. copy of invoices and list of stock available as on 30.06.2017, the credit availed by the taxpayer in TRAN-1 found correct as per section 140(3) of CGST Act, 2017.

This is for further necessary action at your end please.

o/c


(D. A. K. Kulkarni)
Assistant Commissioner
CGST, Div-VI
Ahmedabad South

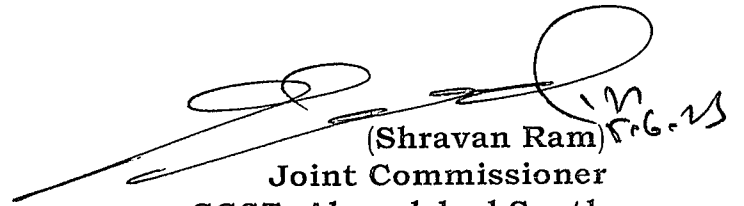
11.9 I rely upon the verification report submitted by the Assistant Commissioner, Central Excise Div.-VI, Ahmedabad South,

I conclude that ITC amounting to **Rs.1,44,36,029/- (Rupees One Crore Forty Four Lakhs Thirty Six Thousand Twenty Nine Only)** is admissible as Cenvat Credit Carried forward under Section 140(3), of the CGST Act, 2017.

12. In view of the above, I pass the following order:

-:: ORDER ::-

I vacate the entire proceedings against M/s. Amara Raja Batteries Limited, situated at 405-406, Opp. Cargo Ford, Raindrops Building, Near Union Bank, C. G. Road, Ahmedabad-380 006, initiated vide show cause notice F.No. CGST/WS0604/TRAN-1/Tran Verification/P-1/6/2019-20, dated 10.09.2021.


(Shrvan Ram)
Joint Commissioner
CGST, Ahmedabad South

F.No. CGST/WS0604/TRAN-1/Tran Verification/P-1/6/2019-20 Dated: .05.2023

DIN-

By Registered Post A.D./Email

To,
M/s. Amara Raja Batteries Limited,
405-406, Opp. Cargo Ford, Raindrops Building,
Near Union Bank, C. G. Road,
Ahmedabad-380 006.

Copy to :

- 1) The Principal Commissioner, CGST, Ahmedabad South.
- 2) The Deputy Commissioner, Central GST, Div-VI, Ahmedabad South.
- 3) The Assistant Commissioner, Central Tax, TAR Section, HQ, Ahmedabad South
- 4) The Superintendent, Range-IV, CGST, Div-VI, Ahmedabad South, with a direction to upload DRC-07(Summary of the Order) on GSTN portal.
- ✓ 5) The Superintendent, Central Tax, Systems HQ, Ahmedabad South for uploading on the website.
- 6) Guard file.