



OFFICE OF THE PRINCIPAL COMMISSIONER OF C. G. S. T.,
AHMEDABAD SOUTH

प्रधान आयुक्त का कार्यालय ,के .व .से .क , .अहमदाबाद दक्षिण
G. S. T. BHAVAN, AMBAWADI, AHMEDABAD – 380 015
व .से .क .भवन ,आम्बावाडी ,अहमदाबाद – ३८० ०१५

फा.सं. F.No.STC/04-01/O&A/2022-23
DIN- 20220664000000501338

आदेश की तारीख: Date of Order : 06.06.2022
जारी करने की तारीख: Date of Issue : 06.06.2022

द्वारा पारित /Passed by: Shri R. K. Tiwari , ADDITIONAL COMMISSIONER

मूल आदेश सं./Order-In-Original No. 03/CGST/Ahmd-South/ADC/RK/2022-23

यह प्रति उस व्यक्ति)यों (को ,जिसके)जिनके (लिएह 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 ,आंबावाडी ,अहमदाबाद- 15को प्रारूपद.ए.-1 में अपील कर सकता है। उक्त अपील पक्षकार पर आदेश तामील होने 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 E.A.1 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 दो प्रतियों में प्रारूप सं .इ.ए 1- .में दाखिल की जानी चाहिए। उसपर केन्द्रीय उत्पाद शुल्क)अपील (नियमावली , 2001के नियम 3के उपबंधों के अनुसार अपीलकर्ताओं जद्वारा हस्ताक्षर किए जाने चाहिए। इसके साथ निम्नलिखित को संलग्न किया जाए :

The Appeal should be filed in form No. E.A.-1 in duplicate. It should be filed by the appellants in accordance with provisions of Rule 3 of the Central Excise (Appeals) Rules, 2001. It shall be accompanied with the following:

उक्त अपील की प्रति।

Copy of the aforesaid appeal.

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 -/2.00का 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/-.

इस आदेश के विरुद्ध आयुक्त)अपील (में शुल्क के 7.5% जहां शुल्क एवं जुर्माना का विवाद है अथवा जुर्माना जहां शिर्फ जुर्माना के बारे में विवाद है उसका भुक्तान करके अपील की जा सकती 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."

संदर्भ/Reference :कारणवताओसूचना फा.सं. F.No. STC/04-01/O&A/22-23 dated 19.04.2022 issued to Shri Rajeshkumar Babubhai Patel, prop. M/s. Ambica Corporation , GIDC Road, 10, Girivar Bunglow, B/H M B Patel Farm, Vatva, Ahmedabad-382440.

Brief facts of the case :

Shree **RAJESHKUMAR BABUBHAI PATEL**, proprietor of **M/s. AMBICA CORPORATION** (GSTIN- 24AKFPP6467K1ZO) (hereinafter referred to as "the service provider") situated at G I D C ROAD 10 GIRIVAR BUNGLOW BH M B PATEL FARM VATVA Ahmedabad 382445, with PAN AKFPP6467K were not found to be registered with the Service Tax department.

2. As per the report no. 41A&B/2021 received from the Directorate General of Analytics & Risk Management, New Delhi regarding PANs registered with the CGST formation have been identified in whose case difference has been found in figures appearing in TDS statement in Form-26AS and the amount disclosed in their Service Tax ST-3 Returns for the FY 2016-17, M/s. **RAJESHKUMAR BABUBHAI PATEL** had earned substantial service income during the Financial Year **2016-17**, however, they did not obtain Service Tax registration and did not pay Service Tax thereon.

3. Therefore, letters dated 24.11.2021, 10.02.2022 and 11.03.2022 were written to the Service Provider with a request to submit the documentary evidence in respect to their income within a week time from the date of receipt of above referred letter. **As per the data provided by the DGARM, income earned by the Service Provider is as under:-**

Sr. No.	Period (Fin. Year)	Income earned in Rs.	Business description (Service Sector)
1	2016-17	3,95,53,514/-	-

4. With effect from 01.07.2012, the negative list regime came into existence under which all services are taxable and only those services that are mentioned in the Negative list are exempted. The nature of activities carried out by the Service Provider appears to be covered under the definition of service and appears that not covered under the Negative List as given in the Section 66D of the Finance Act, 1994 and also declared services given in 66E of the Finance Act, 1994, as amended from time to time. These services also appears to be not exempted under mega exemption Notification No. 25/ 2012-S.T. dated 20-06-2012, as amended from time to time, and hence the afore services provided by the Service Provider appears to be subjected to Service Tax under the provisions Section 66B of Finance Act, 1994.

5. As per Section 69(1) of the Act, *ibid*, every person liable to pay the Service Tax under this Chapter or the rules made there under shall, within such time and in such manner and in such form as may be prescribed, make an application for registration to the Superintendent of Central Excise.

6. As per Section 69(2) of the Act, *ibid*, any service provider, whose aggregate value of taxable service in a financial year exceeds Rs. 9 lakh is required to take Registration. Further, according to Notification No. 33/2012-(Service Tax) dated 20.06.2012, Central Government has exempted taxable services of aggregate value not exceeding ten lakh rupees in any financial year from the whole of the Service Tax leviable thereon under Section 66B of the Finance Act, 1994. Therefore, it appears that the Service Provider was required to obtain Service Tax Registration and comply with the Service Tax laws accordingly.

7. As per provision of Section 68 of the Finance Act, 1994 read with Rule 6 of the Service Tax Rule 1994 as amended, every person providing taxable service to any person is liable to pay Service Tax at the rate prescribed in Section 66B to Central Government by the 5th of the month/ quarter immediately following the calendar month/ quarter in which the taxable service is deemed to be provided (except for the month of March which is required to be paid on 31st March).

8. According to Section 70 of the Finance Act, 1994 read with Rule 7(1) of the Service Tax Rules, 1994, every person liable to pay Service Tax shall himself

assess the tax due on the services provided by him and thereafter furnish a return to the jurisdictional Superintendent of Service Tax by disclosing wholly & truly all material facts in ST-3 returns.

9. The Service Provider has submitted a letter 23.03.2022 received on 31.03.2022 wherein he has *inter-alia* submitted that:

" *Sub: Submission of Service Tax Notice for FY 2015-16, 2016-17.*

I have received notice from your office regarding requirement of details for the above-mentioned subjects.

I am engaged in the business of Construction providing services by way of works contract to the Government, a local authority or a governmental authority by way of Construction. This service is falling under the clause 12 & 13 of the Mega Exemption Notification no. 25/2012-ST dated 20/06/2012. I have attached herewith copy of Notification no. 25/2012-ST dated 20/06/2012 for your kind perusal.

12. Service provided to the Government, a local authority or governmental authority by way of construction, erection, commissioning. Installation, completion, fitting out, repair, maintenance, renovation, or alteration of –

*(a)*****

(b) a historical monument. Archaeological site or remains of national importance, archaeological excavation, or antiquity specified under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

*(c)****

(d) canal, dam or other irrigation works;

(e) pipeline, conduit or plant for (i) water supply (ii) water treatment. Or (iii) sewerage treatment or disposal; or

*(f)****

Services provided to the Government, a local authority or a governmental authority by way of construction Service which are Exempted

13. Services provided by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of –

(a) A road, bridge, tunnel, or terminal for road transportation for use by general public;

(b) A civil structure or any other original works pertaining to a scheme under Jawaharlal Nehru National Urban Renewal Mission or Rajiv Awaas Yojna

"(ba) a civil structure or any other original works pertaining to the 'In-situ rehabilitation of existing slum dwellers using land as a resource through private participation' under the Housing for All (urban) Mission/Pradhan Mantri Awaas Yojna, only for existing slum dwellers." Inserted vide Notification no. 9/2016-Service Tax to be in effect from 1 March 2016.

(bb) a civil structure or any other original works pertaining to the Beneficiary led individual house construction/enhancement under the Housing for All (Urban) Mission/Pradhan Mantri Awaas Yojna; inserted vide notification no. 9/2016-Service Tax to be in effect from 1 March 2016.

(c) A building owned by an entity registered under Section 12AA of the Income Tax Act, 1961 and meant predominantly for religious use by general public;

(d) A pollution control or effluent treatment plant, except located as a part of a factory; or

(e) A structure meant for funeral, burial or cremation of deceased

I am submitting the details as required by your office as follows for the period of FY 2015-16, 2016-17

- 1) I am not liable to register under Service Tax Act, hence not details are available to me
- 2) Copy of Income Tax Return along with computation & Audit report of FY 2015-16 & 2016-17
- 3) Copy of Income Tax Return along with P&L and Balance sheet of FY 2015-16 & 2016-17
- 4) Copy of 26AS of FY 2015-16 & 2016-17
- 5) Copy of Vat Return form no. 202 & 202A(FY 2015-16 & 2016-17)
- 6) Copy of All party ledger (FY 2015-16 & 2016-17)
- 7) Copy of Income Ledger (FY 2015-16 & 2016-17)
- 8) Order copy of notification no. 25/2012-Service Tax dated 20th June 2012.

10. However, the Service Provider has failed to submit proper documents viz – any contract of and etc in support of their submission regarding exemption from Service Tax Liability/Registration. During scrutiny of submitted documents, it was noticed that there was a difference in the figures of earning in the P&L Balance & TDS statement i.e. 26AS. Amount of Rs. 4,10,45,554.15/- has been mentioned as Labour Income in the P& L A/c for the FT 2016-17 whereas as per 26AS for the FY 2016-17, the total amount paid or Credit to the Service Provider by other parties is Rs.3,98,23,329/-. The service provider has not furnished the reason thereof. Therefore, the Service Tax liability of the Service Provider was required to be ascertained on the basis of income mentioned in the ITR returns and Form 26-AS filed by the Service Provider with the Income Tax Department or Profit & Loss Account whichever is higher. The figures/data provided by the service provider as income in the Profit & Loss Account being higher side is considered as the total taxable value in order to ascertain the Service Tax liability under Section 67A of the Finance Act, 1994 as the Service Provider failed to determine the correct taxable value.

11. The Service Tax payable is calculated on the basis of value of "The figures/data provided by the service provider as income in the Profit & Loss Account" for the Financial Year 2016-17. By considering the amount as taxable income, and as the Service Provider failed to submit the required details as per above referred letter, the Service Tax liability is calculated as under:-

Table-A

Financial Year	Taxable Value as per IT Data i.e. Sales/Gross Receipts From	Rate of Service Tax inclusive of CESS	Service Tax payable (Rs.)
2016-17	4,10,45,554.15/-	15%	61,56,833/-

12. It appeared that the Service Provider has not obtained a Service Tax registration for the services provided by them for the period of F.Y. 2016-17 and concealed the taxable value from the department. Therefore, it appears that the Service Provider has not paid correct Service Tax by way of willful suppression of facts to the department in contravention of provision of the Finance Act, 1994 relating to levy and collection of Service Tax and the Rules made there under, with intent to evade payment of Service Tax. Therefore, the Service Tax amounting to **Rs. 61,56,833/-** is recoverable from them by invoking extended period of five years under first proviso to sub-section (1) of Section 73 of Finance Act, 1994 along with interest at the prescribed rate under Section 75 of the Finance Act, 1994 and also rendered himself liable for penal action under Section 78 of Finance Act, 1994.

13. It further appeared that on account of all the above narrated acts of commission and omissions on the part of the service provider, they have rendered themselves liable to penalty under the following proviso of the Finance Act, 1994 and Rules framed there under:-

- i) Section 70 and Section 77 of the Finance Act, 1994 as amended inasmuch as they failed to correctly self assess the tax due on the services provided and have not filed the correct ST-3 return and contravened the provisions

of Service Tax laws and did not comply to the letter issued by the Department and did not provide the required information/documents.

- ii) Section 78 of the Finance Act, 1994, in as much as they have suppressed the material facts from the department about service provided and value realized by them with intent to evade payment of Service Tax.

14. As per Section 70 of Finance Act, 1994, the fees for the late filing of return are prescribed. When the nature of default for late filing of fees is less than 15 days, the amount of penalty is Rs. 500 for 15 days; where the nature of default is more than 15 days & less than 30 days, the amount of penalty is Rs. 1000; and where the nature of default is more than 30 days, the amount of penalty is Rs. 1000 + Rs. 100 for each day subject to maximum penalty of Rs. 20000/-. Hence, they are liable for payment of late fees for non-filing of ST 3 returns for the aforementioned period in stipulated time.

15. Section 70 of the Finance Act, 1994 stipulates that every person liable to pay the Service Tax shall himself assess the tax due. The Government has introduced self-assessment system under a trust based regime which casts the onus of proper assessment and discharging of the Service Tax on the Service Provider. The definition of "assessment" available in Rule 2(b) of Service Tax Rules, 1994 is reproduced as under:-

"Assessment" includes self-assessment of Service Tax by the assessee, re-assessment, provisional assessment, best judgment assessment and any order of assessment in which the tax assessed is nil; determination of the interest on the tax assessed or re-assessed."

16. In the instant case, the service provider has failed to properly assess the Service Tax liability. Thus, they have resorted to suppression of material facts by not reflecting the correct taxable income incurred in respect of the services liable to Service Tax in their ST-3 returns. Accordingly, it appeared that the Service Tax as quantified herein above is liable to be recovered by invoking the extended period of limitation as provided for under Sec. 73 of the Finance Act, 1994 along with interest in terms of the provisions of Sec. 75 of the Finance Act, 1994. The Service Provider has not disclosed full, true and correct information about the value of the service provided by them, and thus, it appears that there was a deliberate withholding of essential and material information from the department about service provided and value realized by them. It appears that all these material information had been concealed from the department deliberately, consciously and purposefully to evade payment of Service Tax. Therefore, in this case all essential ingredients exist to invoke the extended period in terms of proviso to Section 73(1) of Finance Act, 1994 to demand the Service Tax short/not paid.

17. In view of discussion in the foregoing paras, it appeared that all the above acts of suppression of facts, misstatement and contravention, omissions and commissions are on the part of the service provider that they have willfully suppressed the facts, nature and value of service provided by them by not assessing and paying due Service Tax liability, therefore, the above amounts of Service Tax of **Rs. 61,56,833/-** (Non-payment of Service Tax for the period 2016-17 on Income from taxable service provided by them), and Late fee (Non filing of Service Tax returns) for the above period is required to be demanded and recovered from them under the proviso to Section 73(1) of the Finance Act, 1994 by invoking extended period of five years for the reasons stated herein foregoing paras. In view of the facts discussed in foregoing paras and material evidence available on record, it appears that the service provider have contravened the provisions of Section 66B of the Finance Act, 1994, Section 68 of the Finance Act, 1994 as amended read with Rule 6 of the Service Tax Rules, 1994 and Section 70 of the Finance Act, 1994 read with Rule 7 of the Service Tax Rules, 1994 in as much as that they failed to determine; collect and pay Service Tax amounting to **Rs. 61,56,833/-** (including CESS) for the period 2016-17 as detailed above and they have failed to declare value of taxable service to the department and thus suppressed the amount of charges received by them for providing taxable services as detailed above.

18. Further, the Service Provider failed (a) to obtain Service Tax Registration in accordance with the provisions of section 69 *ibid*; (b) to keep, maintain or retain books of account and other documents as required in accordance with the provisions of Finance Act, 1994; (c) to furnish information / documents called for from them; and (d) to pay the tax, accordingly the Service Provider is liable to penalty under the provisions of Section 77(1) of Finance Act, 1994.

19. Therefore, a show cause notice was issued on 19.4.2022 by the Additional Commissioner, Central GST, Ahmedabad South calling the service provider to show cause as to why:

- (i) Service Tax of **Rs. 61,56,833/-** which was not paid for the **F.Y. 2016-17** as per Table-A in para-11 above, should not be demanded and recovered from them under proviso to Sub-section (1) of Section 73 of Finance Act, 1994;
- (ii) Interest at the prescribed rate should not be demanded and recovered from them for the period of delay of payment of Service Tax mentioned at (i) above under Section 75 of the Finance Act, 1994;
- (iii) Penalty should not be imposed upon them under Section 77(1) of the Finance Act, 1994 for failure to take Service Tax registration as per the provisions of Section 69 of the Finance Act, 1994;
- (iv) Prescribed late fee, should not be recovered from them for each S.T.-3 return filed late, for the relevant period, under Rule 7C of the Service Tax Rules, 1994 read with Section 70 of the Finance Act, 1994 and
- (v) Penalty should not be imposed upon them under Section 78 of the Finance Act, 1994, for non-payment of Service Tax by willfully suppressing the facts from the department with intent to evade the payment of Service Tax as explained herein above.

20 The assessee was offered personal hearing on 05.05.2022, 24.05.2022 and 01.06.2022. They have neither filed any submission nor appeared for any of the personal hearing offered to them.

21 The assessee under their earlier communication dated 23.03.2022 in reply to Range office letters, have contended the following:

- *They are am engaged in the business of Construction providing services by way of works contract to the Government, a local authority or a governmental authority by way of Construction. This service is falling under the clause 12 & 13 of the Mega Exemption Notification no. 25/2012-ST dated 20/06/2012. I have attached herewith copy of Notification no. 25/2012-ST dated 20/06/2012 for your kind perusal.*
- They submitted a copy of work order and agreement executed on 18.01.2010 between them and M/s. P. C. Snehal Corporation Co. for providing internal infrastructure facilities like internal road and paver blocks for the Urban Poor Houses at various locations in Ahmedabad.

Discussion and Findings:

22 I have carefully gone through the facts of the case and the submissions made by the service provider.

23 The issue to be decided is whether the service provider has earned any taxable income for the year 2016-17.

24 The notice alleges that the service provider has earned an income of Rs 4,10,45,554/-. The service provider has contended that the income was on account of *business of Construction providing services by way of works contract to the Government, a local authority or a governmental authority by way of Construction. This service is falling under the clause 12 & 13 of the Mega Exemption Notification no. 25/2012-ST dated 20/06/2012.*

25 I have gone through the copy of work order and agreement executed on 18.01.2010 between them and M/s. P. C. Snehal Corporation Co. for providing internal infrastructure facilities like internal road and paver blocks for the Urban Poor Houses at various locations in Ahmedabad. It is seen that the same is only a contract between two parties for a particular work executed in 2010 only. No work contract order copies or any agreement with Government Authority, for which the noticee claims exemption, is provided. Also no proof provided in support, that their service income during 2016-17 is in relation to exempted service.

26 The relevant text to Section 65B(44) of the Act defining 'service' reads as under:

“‘service’ means any activity carried out by a person for another for consideration, and includes a declared service”

‘Taxable Service’ defined under Section 65B(51) of the Act reads as under:

“‘taxable service’ means any service on which service tax is leviable under section 66B”

27 It is seen that the service provider has carried out an activity of construction for their clients. It is not under dispute that there has been a consideration in respect of this service provided. This consideration has been reflected in the Form 26 AS of the service provider for the year 2016-17. It is clear that the activity carried out by the service provider on which they had earned a consideration falls within the meaning of ‘service’ as defined under the provisions of Section 65B(44) of the Act.

28 It is seen that the activities do not find mention in any of the provisions of Section 66D of the Act. It is therefore clear that they do not fall under the negative list and therefore, are taxable services. Further, there is no proof or any documents submitted

by the service provider in support of exemption provided to the services under the exemption Notfn No 25/2012-ST dated 20.6.2012, as amended or any other notification issued under the Act. I find that the service provider has even not clarified that under which particular clause of Notfn No 25/2012-ST dated 20.6.2012, they are claiming exemption. Accordingly, there is no doubt or dispute that the services provided by the service provider are taxable and liable for payment of service tax, as defined under Section 65B(51) of the Act.

29 From the above discussions, I conclude that the service provider has earned income from the services provided to their clients which are taxable in nature. Accordingly, the service provider was liable to take a registration and pay the appropriate service tax on the income earned by them during the year 2016-17.

30 Section 67(i) of the Act says that "in a case where the provision of service is for a consideration in money, be the gross amount charged by the service provider for such service provided or to be provided by him". Explanation (a)(i) to Section 67 of the Act defines "consideration" to includes any amount that is payable for the taxable services provided or to be provided. I find that the balance sheet of the service provider for the financial year 2016-17 has shown income amount of Rs 4,10,45,554/-. As the services provided by the service provider is established to be taxable, the value of Rs 4,10,45,554/- has to be considered as the taxable value for the purpose of computation of service tax. Accordingly, I hold that the service provider is liable to pay tax amounting to Rs 61,56,833/- (@ 15% of value amounting to Rs 4,10,45,554/-).

31 I find that the service provider has contravened the provisions of Section 69 of the Act by not taking a registration in the year 2016-17 as they had earned taxable income. They have contravened the provisions of Section 68 of the Act read with Rule 6 of the Rules as they have failed to pay service tax within such period as prescribed. They have further violated the provisions of Section 70 of the Act read with Rule 7 of the Rules as they have failed to assess their tax liability properly and failed to file proper returns as prescribed.

32 It is seen that the assessee have not disclosed to the revenue that they had provided services on which income was earned by them. They have not informed that they were providing a taxable service falling within the definition of 'service' as envisaged under the provisions of Section 65B(44) of the Act. They have shown the consideration as income in their Form AS 26 but have not taken a registration for paying service tax and also not filed their ST3 returns for showing the taxable income. It is established that the service provider had suppressed the facts of taxable services provided by them with an intent to evade the payment of service tax. Accordingly, the proviso to Section 73(1) of the Act is applicable for invoking the extended period of 'five years' for recovery of the service tax amounting to Rs 61,56,833/-. Interest is to be

charged on the non payment of service tax under the provisions of Section 75 of the Act. As the fact of suppression with an intent to evade the payment of service tax is proved, they are liable for penalty under the provisions of Section 78(1) of the Act. It is also not in dispute that they have not taken a registration and therefore, they are liable to pay penalty under the provisions of Section 77(1)(a) of the Act. They are also liable to pay penalty/late fees for non-filing of their ST3 returns, under the provisions of Section 70 of the Act read with the provisions of Rule 7C of the Rules.

33 Further, the then effective provisions of the Central Excise Act, 1944 and the Central Excise Tariff Act, 1985, as repealed vide Section 174(1) of the CGST Act, 2017 and the then effective provisions of the Chapter V of the Finance Act, 1994, as omitted vide Section 173 of the CGST Act, 2017, and the then effective provisions of the Cenvat Credit Rules, 2004, as superseded vide notification No.20/2017-CE (NT) dated 30.06.2017, have been saved vide Section 174(2) of the CGST Act, 2017 and Notification No.20/2017-CE (NT) dated 30.06.2017. Therefore, the provisions of the said repealed/amended Acts and Rules made there under are rightly enforceable for the purpose of demand of duty, interest, etc. and imposition of penalty under this notice. **As per Section 142(8)(a)** of the CGST Act, 2017, where in pursuance of an assessment or adjudication proceedings instituted, whether before, on or after the appointed day, under the existing law, any amount of tax, interest, fine or penalty becomes recoverable from the person, the same shall, unless recovered under the existing law, be recovered as an arrear of tax under this Act.

In view of my above findings, I pass the following Order:

ORDER

- i. I confirm the demand and order to recover the service tax amounting to Rs 61,56,833/- (Rupees Sixty One Lakhs Fifty Six Thousand Eight Hundred Thirty Three Only) from the service provider, under the provisions of Section 73(2) of the Act;
- ii. I order to charge interest on the recovery of Rs 61,56,833/- from the service provider, under the provisions of Section 75 of the Act.
- iii. I impose a penalty of Rs 10,000/- (Rupees Ten Thousand Only) under the provisions of Section 77(1)(a) of the Act for not obtaining a registration;
- iv. I order recovery of penalty/late fees from the service provider for non-filing of the ST3 returns for the financial year 2016-17, under the provisions of Section 70 of the Act read with the provisions of Rule 7C of the Rules;
- v. I impose a penalty of Rs 61,56,833/- (Rupees Sixty One Lakhs Fifty Six Thousand Eight Hundred Thirty Three Only) on the service provider, under the provisions of Section 78(1) of the Act.

In terms of the clause (ii) of 2nd proviso to Section 78(1) of the Act, if the service provider pays the service tax and interest within a period of thirty days of the date of

receipt of the order of the Central Excise Officer determining the amount of service tax under sub-section (2) of section 73, the penalty payable shall be twenty-five per cent. of the service tax so determined. In terms of the 3rd proviso to Section 78(1) of the Act, the benefit of reduced penalty under the second proviso shall be available only if the amount of such reduced penalty is also paid within such period.

RK
6/6/22

(R. K. Tiwari)
Additional Commissioner,
Central Goods & Service Tax,
Ahmedabad South.

DIN: 20220664000000501338

F No STC/04-01/O & A/22-23

Date: 06.06.2022

By RPAD

To,
RAJESHKUMAR BABUBHAI PATEL,
Proprietor of M/s. AMBICA CORPORATION (GSTIN- 24AKFPP6467K1ZO)
G I D C ROAD, 10, GIRIVAR BUNGLOW
BH M B PATEL FARM VATVA, Ahmedabad-382445

Copy to:

- (1) The Hon'ble Principal Commissioner, CGST, Ahmedabad-South.
- (2) The Deputy/Assistant Commissioner (RRA), Central GST, Ahmedabad South.
- (3) The Deputy/Assistant Commissioner, Central GST, Division-II, Ahmedabad South.
- (4) The Superintendent, Central GST, Range-V, Division-II, Ahmedabad South.
- ✓(5) The Assistant Commissioner (System), Central GST, Ahmedabad South.
- (6) Guard File.