



Ahluwalia Contracts (India) Limited

ENGINEERING ♦ DESIGNING ♦ CONSTRUCTION

Head Office : 1, Okhla Industrial Estate, Phase-III,
Near Modi Mill, New Delhi-110 020

Tel. : 011- 49410500, 49410517 FAX : 011- 49410553

E-mail : mail@acilnet.com Website : www.acilnet.com

Date: 18-01-2013

To,

Asst. General Manager (Corporate Services)

Bombay Stock Exchange Ltd.

25th Floor, P.J.Towers

Dalal Street, Mumbai - 400001

Fax: 022- 2272 3121 / 2272 2037 / 2272 2041

2061 / 2039 / 3719/ 1278 / 1557 / 3354 / 3577

Asst. Vice President - Listing,

National Stock Exchange of India Ltd.

5th Floor, Exchange Plaza,

Bandra Kurla Complex ,

Bandra (East) Mumbai- 400051

Ph. No. : 022-26598235-236-26598346,

Fax. No.: 022-26598237-38, 26598347-48

Re: Intimation under Clause 36(5) of the listing Agreement in respect of relief from Delhi Value Added Tax Assessment Order passed by "The Court of Special Commissioner-I" Dept of Trade & Taxes Govt. of NCT of Delhi in respect of the demand of Rs. 125.98 Crores. (Tax amount of Rs. 48.28 Crores + Interest Amount of Rs.16.83 Crores+ & Penalty Amount of Rs. 60.87 Crores = Total Amount of Rs.125.98 Crores) raised by DVAT officer Delhi for the assessment years 2006-07, 2007-08 and 2008-09

Dear Sir,

This is with reference to our earlier letter dated 03-03-2011 on captioned subject. The Company had filed the objections against the assessment order of DVATO in the court of Special Commissioner, Deptt of Trade & Taxes, Govt. of NCT Delhi. The Special Commissioner has set aside the assessment order and imposition of penalties vide its order dated 17.01.2013. **Copy enclosed** and directed the DEVATO to pass fresh orders after giving fair opportunity to the Company of being heard.

This is for your information and record please.

For Ahluwalia Contracts (India) Ltd.


(Vipin Kumar Tiwari)

Company Secretary



Copy to:

1	The Company Secretary, Delhi Stock Exchange Ltd. , DSE House, 3/1 Asaf Ali Road, New Delhi – 110002, Phone: 011-46470033 Fax No. : 011-46470053-54	2	Manager (Listing), Jaipur Stock Exchange, Stock Exchange Building, Jawahar Lal Nehru Marg, Malviya Nagar, Jaipur - 302017 Ph.: 0141-2729100 Fax: 0141-2729082
3	Manager (Listing), Code : 10011134 Calcutta Stock Exchange Ltd , 7, Lyons Range, Kolkata – 700001, Ph.:033-22104470-4477 Fax : 033-22102223, 4500, 22102210, 4468		

**IN THE COURT OF SPECIAL COMMISSIONER-I
DEPTT. OF TRADE & TAXES, GOVT. OF NCT OF DELHI
ROOM. No 307, VYAPAR BHAWAN, I.P.ESTATE, NEW DELHI-110002**

DVAT-40

Objection No.	-	Date of filing objection		
No.SCTT- I/T&T/Obj/2012/216-222	-	28/02/2012		
Name of the Dealer making the objection	-	M/s. Ahluwalia Contracts India Ltd,		
Registration No./TIN	-	07970255291		
Address	-	M-1, Saket New Delhi, Delhi - 110 092.		
Period to which objection relates	-	Period	Amount of Dispute (Rs)	
Amount in Dispute	-		Tax+ Interest	Penalty
		2006-07	11,91,48,832	15,00,15,702, 100000
		2007-08	16,32,41,983	16,73,20,266
		2008-09	36,86,74,756	29,12,37,498
Name of the authorized representative of dealer making the objection	-	S.K. Sachdeva, Executive Director(F&A)		

ORDER

This order shall dispose off the above mentioned six objections filed by M/s. Ahluwalia contracts (India) Ltd, M-1, Saket, New Delhi , TIN No. 07970255291, a dealer of Special Zone of the Department of Trade & Taxes, u/s 74 of DVAT Act, 2004 against Notice of default assessment of tax and interest u/s 32 and 33 of the DVAT Act passed by VATO (Special Zone) wherein all above mentioned additional demands were created.

Facts of the case briefly stated are that the objector Company is engaged in execution of works contract for civil constructions in Delhi and other states. While making default assessment for the above mentioned period , VATO (Special Zone) observed that the objector dealer during the assessment period did not show its turnover in returns properly and taxed the turnover after deducting labour/services charges @25%. The AA rejected the claim for exemption on interstate sales and did not give credit of ITC on TDS certificates as these were found to be defective. The AA also , taxed the fixed assets sales made by the objector.

Aggrieved with the said orders, the dealer has filed objections before the undersigned.



1/2

[Handwritten signature]



Objection No. 216-222: M/S Ahluwalia Contracts India Ltd

The case was presented by Sh. Umesh Sarwal, Advocate on behalf of the objector. The Deptt. is represented by Sh. Anil Kumar, VATO. Sh. Sarwal emphasized the main grievances of the objector are as per following grounds of objections:-

- 1) That the A.A. had not considered the documents submitted at the time of assessment and illegally created demand without providing sufficient opportunity to the appellant.
- 2) That details of the taxable turnover, ITC claimed, TDS certificate, expenses on labour and services were produced before the AA along with the trading account, balance sheet and other documents, who failed to consider these and taxed them arbitrarily.
- 3) That fixed assets has been taxed at the original cost instead of depreciate value.
- 4) That the exemption on the interstate sale/purchase were disallowed without considering the documents submitted and against the law
- 5) That the credit of TDS certificates was not given.
- 6) That OHA has allowed to file revised returns which were not considered by the AA, thus creating tax and penalty.

The Counsel prayed for quashing the tax/penalty.

I have gone through the facts and circumstances of the case as also the written submission filed. It is noted that the contention of denial of fair opportunity and critical analysis has some force. In the interest of natural justice, the assessment orders and orders for imposition of penalties are set said. The AA is directed to provide fair opportunity to the dealer and pass fresh orders with clear analysis of all the evidences submitted as admissible as per law.

The Objector is directed to appear before the AA/NA on 31.01.2013. The matter may thereafter be decided after following due process and giving sufficient opportunity in 45 days.

Ordered Accordingly.

No.F. SCTT-I/T&T/Obj/2012/21 - 24
Copy to:

1. The Appellant.
2. VATO (L & J)
3. VATO (Special Zone)
4. Guard File


(AJIT SRIVASTAVA)
SPECIAL COMMISSIONER - I

Dated: 17/01/2013


Reader to SCTT - I

