

CHARTERED ACCOUNTANTS ASSOCIATION

(C R Building, Model Town Road, Jalandhar)

For correspondence care:- CA. Ashwani Jindal, General Secretary,
498-LA, Model Town, Near Geeta Mandir, Jalandhar
Email: casassociation.jal@gmail.com, Mobile 9876063350

CA. C K Koul Chairman	CA. Rajesh Anand Convener	CA. Ashwani Jindal General Secretary	CA. Varinder Singh Treasurer
--------------------------	------------------------------	---	---------------------------------

Office Bearers Seminar CA. Neeraj Khanna Vice Chairman CA. Sali Gupta Secretary CA. Anand Chopra Coordinator
Taxation Forum CA. Deepak Bajaj Vice Chairman CA. Surbhi Mittal Secretary CA. Gaurav Aggarwal Coordinator
Students Activities CA. Sunil Dutt Vice Chairman CA. Sahil Rastogi Secretary CA. Rishab Aggarwal Coordinator
Sports & Cultural Activities CA. Rohit Aggarwal Vice Chairman CA. H S Makkar Secretary CA. Gurleen Singh Sahni Coordinator
Committees Representation & Advisory CA. Ashwani Gupta (Green Park) CA. Jagdish Gupta CA. Nirmal Mahajan CA. Tarsem Aggarwal CA. R P Gupta CA. J P Bhatia CA. Rajinder Chopra CA. Sudhir Malhotra CA. M K Jain CA. Rajesh Gupta CA. Ashwani Randeva CA. Krishan Sareen CA. Jagdish Arora CA. R S Kalra CA. Inderjit Abhilashi
Registration & Screening CA. Sanjeev Kapoor CA. Ravinder Mahajan CA. Vikram Arora CA. Kunal Kapoor CA. Gaurav Mahajan CA. Manish Dua CA. Anshul Jain CA. Inderjit Singh

January 04, 2020

To,
Honorable Minister for Finance
Govt. of India
New Delhi.

Respected Madam,

Sub:- Misuse of Official Position by making roving enquiries & issuing illegal Show Cause Notices by Central Excise (Service Tax) Department .

We would like to bring to your kind notice that The Chartered Accountants Association is representing Chartered Accountants and is a constituent body under the societies act. The functions of the Association include holding of talks, workshops, seminars and conferences on topics of professional interest with a view to help the members keep themselves abreast of the developments in the fast changing scenario, to represent members before various authorities etc.

You will appreciate the fact that in these times of COVID-19 pandemic, the Government is taking all measure to make life easy for all citizens by relaxing the compliance burden and also by giving other incentives. However these efforts are being negated by high headed and irresponsible working by some officers of the Central GST (Service Tax) Department in defiance of the fulfillment of four corners of law.

Central GST Department has been issuing Show Cause Notices (SCNs) for FY 14-15 for difference in Receipts as per Service Tax Return and Income Tax Return in bulk without going into the legality and without fulfilling the mandate given by the law for issue of such Show Cause Notices. Notices have been issued even to professionals like Doctors (Corona Warriors) who were not even liable to service tax levy.

Notices have been issued solely on the ground that receipts shown as per ITR are different as compared to receipts shown in service tax return. Further in case of persons, who were not liable to service tax, notices have been issued to

CHARTERED ACCOUNTANTS ASSOCIATION

(C R Building, Model Town Road, Jalandhar)

For correspondence care:- CA. Ashwani Jindal, General Secretary,
498-LA, Model Town, Near Geeta Mandir, Jalandhar
Email: casassociation.jal@gmail.com, Mobile 9876063350

CA. C K Koul
Chairman

CA. Rajesh Anand
Convener

CA. Ashwani Jindal
General Secretary

CA. Varinder Singh
Treasurer

Office Bearers

Seminar

CA. Neeraj Khanna
Vice Chairman
CA. Sall Gupta
Secretary
CA. Anand Chopra
Coordinator

Taxation Forum

CA. Deepak Bajaj
Vice Chairman
CA. Surbhi Mittal
Secretary
CA. Gaurav Aggarwal
Coordinator

Students Activities

CA. Sunil Dutt
Vice Chairman
CA. Sahil Rastogi
Secretary

CA. Rishab Aggarwal
Coordinator

Sports & Cultural Activities

CA. Rohit Aggarwal
Vice Chairman
CA. H S Mallick
Secretary
CA. Gurleen Singh Sahni
Coordinator

Committees

Representation & Advisory

CA. Ashwani Gupta
(Green Park)
CA. Jagdish Gupta
CA. Nirmal Mahajan
CA. Tarsem Aggarwal
CA. R P Gupta
CA. J P Bhatia
CA. Rajinder Chopra
CA. Sudhir Malhotra
CA. M K Jain
CA. Rajesh Gupta
CA. Ashwani Randeve
CA. Krishan Sareen
CA. Jagdish Arora
CA. R S Kalra

CA. Inderjit Abhilashi

Registration & Screening

CA. Sanjeev Kapoor
CA. Ravinder Mahajan
CA. Vikram Arora
CA. Kunal Kapoor
CA. Gaurav Mahajan
CA. Manish Dua
CA. Anshul Jain
CA. Inderjit Singh

make roving enquires on basis of their ITR. Notices are asking for plethora of information for 3-5 years. Assessors are being harassed by such vague notices making roving enquiries.

The notices have been issued on basis of discrepancies in Income Tax and Service tax data even in cases where Departmental audit has already been done. It is clear that notices have been issued blankety and without any due diligence leading to creation of unnecessary hardship for assesses. An attempt is being made by departmental officers to create disputes and demands for the reasons best known to them.

The Show Cause Notices (SCNs) have been issued with a pre-determined state of mind and in a prejudiced manner and have been issued with arbitrariness and vagueness. It is pertinent to mention here that the SCNs have been issued in an illegal manner as extended period of limitation cannot be invoked in the cases where no facts have been suppressed from the department with an intention to evade the payment of service tax. Accordingly, the entire period covered under the issued SCNs from April, 2014 to March, 2015 is barred by limitation.

Difference in receipts as per ITR and Service Tax or non application of Service tax number does tantamount to any fraud leading to notices asking for 5 years old information. Enquiry up to 5 year can be made only if service tax has not been paid due to fraud, collusion, willful statement or suppression of facts. If receipts as per ITR are not tallying, it does not mean there is fraud, collusion, willful statement or suppression of facts. There can be a number of reasons for the mismatch like cash or mercantile basis of the system, professionals, Other Persons not liable to service tax and so on.

Officers cannot make roving enquiries and issue notices beyond the limitation period of 1 year. However notices have been issued in bulk in defiance of law. Without recording any reason which indicates any fraud or misstatement, notices are being issued to one and all. Extended period of 5 years can be availed by Service Tax Officer only if he is satisfied that there if fraud or willful statement. However blanket notices have been issued to all without any satisfaction.

CHARTERED ACCOUNTANTS ASSOCIATION

(C R Building, Model Town Road, Jalandhar)

For correspondence care:- CA. Ashwani Jindal, General Secretary,
498-LA, Model Town, Near Geeta Mandir, Jalandhar

Email: casassociation.jal@gmail.com, Mobile 9876063350

CA. C K Koul Chairman	CA. Rajesh Anand Convener	CA. Ashwani Jindal General Secretary	CA. Varinder Singh Treasurer
--------------------------	------------------------------	---	---------------------------------

Office Bearers

Seminar

CA. Neeraj Khanna

Vice Chairman

CA. Sallil Gupta

Secretary

CA. Anand Chopra

Coordinator

Taxation Forum

CA. Deepak Bajaj

Vice Chairman

CA. Surbhi Mittal

Secretary

CA. Gaurav Aggarwal

Coordinator

Students Activities

CA. Sunil Dutt

Vice Chairman

CA. Sahil Rastogi

Secretary

CA. Rishab Aggarwal

Coordinator

Sports & Cultural

Activities

CA. Rohit Aggarwal

Vice Chairman

CA. H S Makkar

Secretary

CA. Gurleen Singh Sehni

Coordinator

Committees

Representation &

Advisory

CA. Ashwani Gupta

(Green Park)

CA. Jagdish Gupta

CA. Nirmal Mahajan

CA. Tarsem Aggarwal

CA. R P Gupta

CA. J P Bhatia

CA. Rajinder Chopra

CA. Sudhir Malhotra

CA. M K Jain

CA. Rajesh Gupta

CA. Ashwani Randeve

CA. Krishan Saneen

CA. Jagdish Arora

CA. R S Kalra

CA. Inderjit Abhilashi

Registration &

Screening

CA. Sanjeev Kapoor

CA. Ravinder Mahajan

CA. Vikram Arora

CA. Kunal Kapoor

CA. Gaurav Mahajan

CA. Manish Dua

CA. Anshul Jain

CA. Inderjit Singh

The officers dealing with notices are harassing the Assessee's and asking for documents which they are not entitled to call for.

The SCNs issued mention various enquiry letters, which were never received by any assessee and have been wrongly mentioned in the SCNs, which also shows the arbitrary working of the department.

The extension in time limit till 31/12/2020 was provided for completion of pending proceedings or filing of appeals etc and not to make roving enquiries and harass the assessee. Sending notices, calling for information more than 5 year old, is uncalled for. In many cases even when replies have been sent by mail or post, again notices are being sent and a situation is being created that assessee has to contact the relevant officer personally or through an authorized representative making mockery of the claims of the government for faceless resolution of issues.

In view of above submissions, the SCNs issued without force of law may kindly be filed without asking the Assessee to comply with the same as it would tantamount to their harassment and outflow of funds for compliance in this COVID period. It is also requested that a proper enquiry may also be made with regard to issue of these illegal show cause notices.

Thanking you

Yours faithfully,

(CA. Ashwani Kumar Jindal)

General Secretary

M - 9876063350

Copy to

- 1 The Honorable Prime Minister of India
- 2 The Revenue Secretary
- 3 The Chairman, CBIC
- 4 The Principal Chief Commissioner, Chandigarh
- 5 The Principal Commissioner, Ludhiana
- 6 The Deputy/Assistant Commissioners at Jalandhar