
 सत्यमेव जयते	GOVERNMENT OF INDIA/ भारत सरकार OFFICE OF THE COMMISSIONER: CENTRAL GOODS AND SERVICE TAX कार्यालय आयुक्त: केंद्रीय वस्तु एवं सेवाकर ALWAR, COMMISSIONERATE अलवर आयुक्तालय 'A' BLOCK, SURYA NAGAR, ALWAR-301001 'ए' ब्लॉक, सूर्य नगर, अलवर दूरभाषसं./Phone No.:0144-2371490 ईमेल/ E-mail:-commr_cexalwar@nic.in	
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C. No.-IV(06)118/AE/Alwar/2022/ 1111

Date: 31.03.2023

To

1. All Principal Chief Commissioners/Chief Commissioners of GST & Central Excise
2. All Principal Director Generals/Director Generals of G.S.T.I/GST/Audit.
3. All Principal Commissioners/Commissioners of GST & Central Excise
4. All Additional Director Generals of D.G.G.S.T.I/GST/Audit.

Modus Operandi

Subject: - Availment of ITC by the taxpayers against GST paid on the amount charged by RIICO//UIT/ Nagar Parishad against lease/purchase of land/plots or charges in respect of transfer of lease hold rights or purchase of commercial plot - Regarding.

Acting on an intelligence developed by this office, investigations were initiated against the taxpayers who availed ITC of GST paid on the amount charged by RIICO (Rajasthan State Industrial Development and Investment Corporation) against lease/ purchase of land/ plots or charges in respect of transfer of lease hold rights.

2. An information developed revealed that the taxpayers registered under the jurisdiction of this Commissionerate are availing and utilizing Input Tax Credit on the amount charged as GST by RIICO against sale/ lease of commercial plots. In terms of Section 17(5)(d) of the CGST Act, 2017, such ITC is not admissible to the taxpayer.

Section 17(5)(d) of the CGST Act, 2017 is re-produced below: -

"(5) Notwithstanding anything contained in sub-section (1) of section 16 and sub-section (1) of section 18, input tax credit shall not be available in respect of the following, namely:-

(a)

(b)

..

(d) goods or services or both received by a taxable person for construction of an immovable property (other than plant or machinery) on his own account including when such goods or services or both are used in the course or furtherance of business.

(e)

.."

3. Further, recovery of an amount of approx Rs. 1.5 Crore has already been made by this office and action against the remaining taxpayers identified for recovery is under progress.

4. In view of the position explained above, it is requested to take necessary action against the taxpayers who availed ITC of GST paid on the amount charged by agencies similar to RIICO against lease/ purchase of land/ plots or charges in respect of transfer of lease hold rights.

5. Recoveries, if any made, may be brought to the notice of this office. Action in this matter may be taken on priority to safeguard the interest of Government revenue.



(Jai Prakash Singh)
Principal Commissioner