

February 3, 2025

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| BSE Limited Department of Corporate Services Phiroze Jeejeebhoy Towers Dalal Street Mumbai 400 001 Scrip Code: 532684 | National Stock Exchange of India Limited Listing Department Exchange Plaza Bandra-Kurla Complex Bandra (East), Mumbai 400 051 NSE Symbol: EKC NSE Series: EQ |
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Dear Sir,

Sub: Intimation under Regulation 30 of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015.

In compliance with Clause 20 of Para A of Part A of Schedule III to the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (SEBI LODR), as amended, we wish to inform that the Company had received Order from the Office of the Commissioner of CGST& C. Ex., Palghar wherein the department has calculated GST differential liability of ₹ 126,72,28,458 (10%) for all four GSTINs of the Company under Section 74(1) of the Maharashtra Goods and Services Tax Act and Central Goods and Services Tax Act, 2017 read with Section 20 of IGST Act, 2017 plus interest and penalty.

The demand has been confirmed based on difference in interpretation of statute by the Department. The interpretation adopted by the Department affects the entire industry.

Based on the merits of the matter, prevailing law and the advice of the counsel, the Company is planning to challenge this order by filing an appeal as provided under the GST Act. The required information as per Clause 20 of Para A of Part A of Schedule III is enclosed in the Annexure below.

We request you to take the above on record. This intimation is also being made available on the website of the Company at www.everestkanto.com

Thanking you,

Yours faithfully,
For Everest Kanto Cylinder Limited

Vishal Totla
Company Secretary and Compliance Officer

Encl.

**EVEREST
KANTO
CYLINDER
LIMITED**

**Manufacturers
of High Pressure
Seamless
Gas Cylinders**

Registered Office :
204, Raheja Centre,
Free Press Journal Marg,
214, Nariman Point,
Mumbai - 400 021.

CIN L29200MH1978PLC020434

Tel. : +91-22-4926 8300 / 01

Fax : +91-22-2287 0720

Website : www.everestkanto.com



Annexure

| Sr. No. | Details of Event that needs to be provided | Information of such event(s) |
|---------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Name of the authority | Additional Commissioner, CGST & C. Ex., Palghar. |
| 2. | Nature and details of the action(s) taken initiated, or order(s) passed | Due to difference in interpretation of statute, the Department by an Order dated January 27, 2025 passed under Section 74(1) of the Maharashtra Goods and Services Tax Act and Central Goods and Services Tax Act, 2017 read with Section 20 of IGST Act, 2017 for the period July 2017 to March 2023, has raised a demand towards differential GST: ₹126,72,28,458/-, plus interest and penalty, for incorrect classification of the cylinder under heading 7311 instead of heading 8708 resulting in application of the lower rate of GST. The Company is in the process of filing an appeal against the said Order. |
| 3. | Date of receipt of direction or order, including any ad interim or interim orders, or any other communication from the authority | February 1, 2025. |
| 4. | Details of the violation(s)/ contravention(s) committed or alleged to be committed | As per GST department, the Company has incorrectly classified the cylinder under heading 7311 and cleared it charging GST @18% instead of classifying it as "part of motor vehicle" falling under heading 8708 and charging GST @28%. |
| 5. | Impact on financial, operation or other activities of the Company, quantifiable in monetary terms to the extent possible | 10% of the determined differential GST demand to be deposited under protest with the authority at the time of filing of appeal. |

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|  मत्स्यमेव जयते | केंद्रीयमालाएवंसेवाकरआयुक्त का कार्यालय ,पालघर Office of the Commissioner of CGST& C. Ex., Palghar पंचवामंजिल ,केंद्रीयजीएसटीभवन, प्लॉटनसी-24 ,सेक्टर-ई, बांद्राकुर्लाकॉम्प्लेक्स ,बांद्रा) पु. ,(मुंबई.400051- 5th floor, Plot No. C-24, Sector-E, Central GST Bhavan, Bandra-Kurla Complex, Bandra(East), Mumbai-400 051 E-mail: palghar.cgst@nic.in |  आजादी का अमृत महोत्सव |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|

DIN-20250167VV0000116191

FORM GST DRC-07**(See Rules 100(1), 100(2), 100(3)& 142 (5)****SUMMARY OF THE ORDER**

| | | |
|-----------------|---|-------------------------------------------------------------------|
| आदेशसंख्या. | : | PLG/ADC/VRR/DGGI/CGST/26/EKCL/2024-25 |
| आदेशकीतारीख | : | 27.01.2025 |
| जारीकरनेकीतारीख | : | 27.01.2025 |
| आदेशफा. सं. | : | V/ADJ/CGST/PALGHAR/DGGI/Everest Kanto Cylinder Ltd./124/24-25 |
| द्वारा जारी | : | V RAMANADHA REDDY, ADDITIONAL COMMISSIONER, CGST & CX, PALGHAR |

मूलआदेश

Sub: - Order-in-Original in respect of Show Cause Notice bearing F. No. DGGI/MZU/I&IS'B'/12(1)113/2023/6879 dated 29/07/2024 bearing DIN: 202407DWW00000553590, issued by the Additional Director, DGGI, Mumbai Zonal Unit to M/s. Everest Kanto Cylinder Limited (PAN: AAACE0836F) having head office at 204, Raheja Centre, Free Press Journal Marg, 214, Nariman Point, Mumbai-400021 alongwith 3 other co-noticees under GSTIN's pertaining to PAN- AAACE0836F as mentioned below-reg.

Reference No: V/ADC/15-123/EKCL/DGGI/ADC/CGST Thane/2024-25

1) **Details of the Order:**

- | | |
|--------------------|---------------------------------------|
| a) Order No. | PLG/ADC/VRR/DGGI/CGST/26/EKCL/2024-25 |
| b) Order date: | 27.01.2025 |
| c) Financial Year: | F.Y. 2017-18 to 2022-23 |
| d) Tax Period: | July 2017 to March 2023 |

2) **Issue involved:**

M/s. Everest Kanto Cylinder Limited, (PAN: AAACE0836F) having head office at 204, Raheja Centre, Free Press Journal Marg, 214, Nariman Point, Mumbai-400021 (here-in-after also referred to as M/s EKCL or 'the taxpayer' or 'the noticee', for the sake of brevity), is manufacturer of CNG Cylinders for Automobile Sectors. The tax payer is classifying their goods under Chapter Heading 7311 and clearing the same with GST at the rate of 18 % instead of correctly classifying as "part of motor vehicle" falling under Chapter Heading 8708 and taxable at the rate of 28 % of GST. M/s EKCL was paying GST at the rate of 18% instead of 28% on the supply of CNG Cylinders, supplied to Automobile manufacturers.

3) **Brief facts of the case:**

M/s. Everest Kanto Cylinder Limited is manufacturer of CNG Cylinders for Automobile Sectors. The tax payer is classifying their goods under Chapter Heading 7311 and clearing the same with GST at the rate of 18 % instead of correctly classifying as "part of motor vehicle" falling under Chapter Heading 8708 and taxable at the rate of 28 % of GST. M/s EKCL was paying GST at the rate of 18% instead of 28% on

the supply of CNG Cylinders, supplied to Automobile manufacturers , hence the differential tax amount should be demanded and recovered from them under the provisions of Section 74(1) of CGST, 2017 and Section 74(1) of State GST Act, 2017 read with Section 20 of the IGST Act, 2017.

4) **Grounds:**

(i) Section 7 of CGST Act, 2017. Scope of supply. - (1) For the purposes of this Act, the expression - "supply" includes-

(a) all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business;

¹[(aa) the activities or transactions, by a person, other than an individual, to its members or constituents or vice-versa, for cash, deferred payment or other valuable consideration.

Explanation. -For the purposes of this clause, it is hereby clarified that, notwithstanding anything contained in any other law for the time being in force or any judgment, decree or order of any Court, tribunal or authority, the person and its members or constituents shall be deemed to be two separate persons and the supply of activities or transactions inter se shall be deemed to take place from one such person to another;]

(b) import of services for a consideration whether or not in the course or furtherance of business; [and]

(c) the activities specified in Schedule I, made or agreed to be made without a consideration;

(ii) Section 9(1) of CGST Act, 2017: (1) *Subject to the provisions of sub-section (2), there shall be levied a tax called the central goods and services tax on all intra-State supplies of goods or services or both, except on the supply of alcoholic liquor for human consumption, on the value determined under **section 15** and at such rates, not exceeding twenty per cent., as may be notified by the Government on the recommendations of the Council and collected in such manner as may be prescribed and shall be paid by the taxable person.*

(iii) Section 15. Value of Taxable Supply. -

(1) The value of a supply of goods or services or both shall be the transaction value, which is the price actually paid or payable for the said supply of goods or services or both where the supplier and the recipient of the supply are not related and the price is the sole consideration for the supply.

(2) The value of supply shall include-

(a) any taxes, duties, cesses, fees and charges levied under any law for the time being in force other than this Act, the State Goods and Services Tax Act, the Union Territory Goods and Services Tax Act and the Goods and Services Tax (Compensation to States) Act, if charged separately by the supplier;

(b) any amount that the supplier is liable to pay in relation to such supply but which has been incurred by the recipient of the supply and not included in the price actually paid or payable for the goods or services or both;

(c) incidental expenses, including commission and packing, charged by the supplier to the recipient of a supply and any amount charged for anything done by the supplier in respect of the supply of goods or services or both at the time of, or before delivery of goods or supply of services;

(d) interest or late fee or penalty for delayed payment of any consideration for any supply;
and

(e) subsidies directly linked to the price excluding subsidies provided by the Central Government and State Governments.

Explanation. -For the purposes of this sub-section, the amount of subsidy shall be included in the value of supply of the supplier who receives the subsidy.

(3) The value of the supply shall not include any discount which is given-

(a) before or at the time of the supply if such discount has been duly recorded in the invoice issued in respect of such supply; and

(b) after the supply has been effected, if-

(i) such discount is established in terms of an agreement entered into at or before the time of such supply and specifically linked to relevant invoices; and

(ii) input tax credit as is attributable to the discount on the basis of document issued by the supplier has been reversed by the recipient of the supply.

(4) where the value of the supply of goods or services or both cannot be determined under sub-section (1), the same shall be determined in such manner as may be prescribed.

(iv) Section 20 of the Integrated Goods and Services Act, 2017 (IGST Act)

Application of provisions of Central Goods and Services Tax Act

Subject to the provisions of this Act and the rules made thereunder, the provisions of Central Goods and Services Tax Act relating to,—

- (i) *scope of supply;*
- (ii) *composite supply and mixed supply*
- (iii) *time and value of supply;*
- (iv) *input tax credit;*
- (v) *registration;*
- (vi) *tax invoice, credit and debit notes;*
- (vii) *accounts and records;*
- (viii) *returns, other than late fee;*
- (ix) *payment of tax;*
- (x) *tax deduction at source;*
- (xi) *collection of tax at source;*
- (xii) *assessment;*
- (xiii) *refunds;*
- (xiv) *audit;*
- (xv) *inspection, search, seizure and arrest;*
- (xvi) *demands and recovery;*
- (xvii) *liability to pay in certain cases;*
- (xviii) *advance ruling;*
- (xix) *appeals and revision;*
- (xx) *presumption as to documents;*
- (xxi) *offences and penalties;*
- (xxii) *job work;*
- (xxiii) *electronic commerce;*
- (xxiv) *transitional provisions; and*

(xxv) miscellaneous provisions including the provisions relating to the imposition of interest and penalty,

shall, mutatis mutandis, apply, so far as may be, in relation to integrated tax as they apply in relation to central tax as if they are enacted under this Act:

Provided *that in the case of tax deducted at source, the deductor shall deduct tax at the rate of two per cent. from the payment made or credited to the supplier:*

Provided further *that in the case of tax collected at source, the operator shall collect tax at such rate not exceeding two per cent, as may be notified on the recommendations of the Council, of the net value of taxable supplies:*

Provided also *that for the purposes of this Act, the value of a supply shall include any taxes, duties, cesses, fees and charges levied under any law for the time being in force other than this Act, and the Goods and Services Tax (Compensation to States) Act, if charged separately by the supplier:*

Provided also *that in cases where the penalty is leviable under the Central Goods and Services Tax Act and the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act, the penalty leviable under this Act shall be the sum total of the said penalties.*

1 "Provided also *that where the appeal is to be filed before the Appellate Authority or the Appellate Tribunal, the maximum amount payable shall be fifty crore rupees and one hundred crore rupees respectively."*

(v) Section 31. Tax invoice. -

(1) A registered person supplying taxable goods shall, before or at the time of,-

(a) removal of goods for supply to the recipient, where the supply involves movement of goods; or

(b) delivery of goods or making available thereof to the recipient, in any other case, issue a tax invoice showing the description, quantity and value of goods, the tax charged thereon and such other particulars as may be prescribed:

5. Further it appears that tax payer had contravened the following provisions of the CGST Act, 2017 and MGST Act, 2017 and the CGST Rule, 2017 and MGST Rule, 2017: -

(a) Section 31 the CGST Act, 2017 and Section 31 of the MGST Act, 2017, in as much as that **they have failed to issue valid tax invoices** and effected supply of goods in

clandestine and covertly manner without showing the description, and the tax charged thereon.

(b) Section 37 the CGST Act, 2017 and Section 37 of the MGST Act, 2017, read with Rule 59 of CGST Act, 2017 and Rule 59 of the MGST Act, 2017, in as much as that they have failed to furnish returns in form GSTR-1 determining and mentioning the particulars of the correct value of taxable supply pertaining to goods manufactured and cleared by them and other particulars in the manner as provided therein and incorporating the required information in such returns.

(c) Section 39 the CGST Act, 2017 and Section 39 of the MGST Act, 2017, read with Rule 61 of CGST Act, 2017 and Rule 61 of the MGST Act, 2017, in as much as they have failed to furnish returns in form GSTR-3B determining and mentioning the particulars of the correct value of taxable supply pertaining to goods manufactured and cleared by them and other particulars in the manner as provided therein and incorporating the required information in such returns.

(d) Section 44 the CGST Act, 2017 and Section 44 of the MGST Act, 2017, read with Rule 80 of CGST Act, 2017 and Rule 80 of the MGST Act, 2017, in as much as that they have failed to furnish returns in form GSTR-9 determining and mentioning the particulars of the correct value of taxable supply pertaining to goods manufactured and cleared by them and other particulars in the manner as provided therein and incorporating the required information in such returns.

(e) Section 49 of the CGST Act, 2017 and Section 49 of the MGST Act, 2017, read with Rule 85, Rule 86 and 87 of the CGST Rule 2017 and Rule 85, Rule 86 and 87 of the MGST Rule 2017, in as much as they failed to pay GST in the manner prescribed and at the rate as provided for thereunder.

6. M/s. EKCL has 4 GST registrations on PAN- AAACE0836F and all are manufacturer of CNG Cylinders for Automobile Sectors. They are classifying their goods under Chapter Heading 7311 and clearing the same with GST at the rate of 18 % instead of correctly classifying as "part of motor vehicle" falling under Chapter Heading 8708 and taxable at the rate of 28 % of GST. They were paying GST at the rate of 18% instead of 28% on the supply of CNG Cylinders, supplied to Automobile manufacturers. The details of GSTIN on PAN- AAACE0836F, are as follows:

| Sr. No. | Name of taxpayer | GSTIN | Address |
|---------|------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1 | M/s Everest Kanto Cylinder Limited | 27AAACE0836F1Z0 | 204, Raheja Centre, Free Press Journal Marg, 214, Nariman Point, Mumbai-400021 |
| 2 | | 24AAACE0836F1Z6 | Plot No 525 to 542,618,619, 627, 628,New Extended area Kasez, Kandla Special Economical Zone, Gandhidham, Kachchh, Gujarat, 370230 |
| 3 | | 24AAACE0836F3Z4 | Godown No 1 and 2, Survey No 10, Village Kidana, Taluka Gandhidham, Kachchh, Gujarat, 370203 |
| 4 | | 09AAACE0836F1ZY | E-11, UPSIDC Industrial Area, Dewa Road, Chinhat, Lucknow, Uttar Pradesh, 208027 |

7. Details of supply of CNG cylinders excluding Cascades for above mentioned four GSTINs :-

7.1. The details of supply of CNG Cylinder by M/s EKCL, GSTIN-24AAACE0836F3Z4 is as under:-

| CNG Sales - Period Jul 2017 To Mar 2023 (Gandhidham Depot- 24AAACE0836F3Z4) (in Rs.) | | | | | |
|----------------------------------------------------------------------------------------|----------------------|--------------------|-------------------|-------------------|----------------------|
| Period | Taxable Value | IGST | CGST | SGST | TOTAL |
| July, 2017 – | 31,526,000 | 5,674,680 | 0 | 0 | 37,200,680 |
| March 2018 | 65,114,000 | 0 | 5,860,260 | 5,860,260 | 76,834,520 |
| 2018-19 | 168,756,542 | 30,376,178 | 0 | 0 | 199,132,720 |
| | 44,487,150 | 0 | 4,003,844 | 4,003,844 | 52,494,837 |
| 2019-20 | 192,161,170 | 34,589,011 | 0 | 0 | 226,750,181 |
| | 122,223,500 | 0 | 11,000,115 | 11,000,115 | 144,223,730 |
| 2020-21 | 503,378,377 | 90,608,108 | 0 | 0 | 593,986,485 |
| | 186,738,002 | 0 | 16,806,420 | 16,806,420 | 220,350,842 |
| 2021-22 | 2,048,770,807 | 368,778,745 | 0 | 0 | 2,417,549,553 |
| | 333,211,000 | 0 | 29,988,990 | 29,988,990 | 393,188,980 |
| 2022-23 | 1,039,283,400 | 187,071,012 | 0 | 0 | 1,226,354,412 |
| | 85,800,800 | 0 | 7,722,072 | 7,722,072 | 101,244,944 |
| Total | 4,821,450,748 | 717,097,733 | 75,381,701 | 75,381,701 | 5,689,311,883 |

7.2. The details of supply of CNG Cylinder by M/s EKCL, GSTIN-09AAACE0836F1ZY is as under:-

| CNG Sales - Period Jul 2017 To Mar 2023 (Lucknow Depot-09AAACE0836F1ZY) (in Rs.) | | | | | |
|------------------------------------------------------------------------------------|----------------------|---------------|--------------------|--------------------|----------------------|
| Period | Taxable Value | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| 18-19 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| 19-20 | 0 | 0 | 0 | 0 | 0 |
| | 3,389,515 | 0 | 305,056 | 305,056 | 3,999,628 |
| 20-21 | - | 0 | 0 | 0 | 0 |
| | 300,059,101 | 0 | 27,005,319 | 27,005,319 | 354,069,739 |
| 21-22 | 462,500 | 83,250 | 0 | 0 | 545,750 |
| | 1,277,771,055 | 0 | 114,999,395 | 114,999,395 | 1,507,769,845 |
| 22-23 | 0 | 0 | 0 | 0 | 0 |
| | 352,500,368 | 0 | 31,725,033 | 31,725,033 | 415,950,434 |
| TOTAL | 1,934,182,539 | 83,250 | 174,034,804 | 174,034,804 | 2,282,335,396 |

7.3. The details of supply of CNG Cylinder by M/s EKCL, GSTIN-27AAACE0836F1Z0 is as under:-

| CNG Sales - Period Jul 2017 To Mar 2023 (Tarapur-27AAACE0836F1Z0) (in Rs.) | | | | | |
|------------------------------------------------------------------------------|----------------------|--------------------|--------------------|--------------------|----------------------|
| Period | Taxable Value | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 451,225,064 | 81,220,511 | - | - | 532,445,575 |
| | 384,294,409 | 0 | 34,586,497 | 34,586,497 | 453,467,403 |
| 18-19 | 717,934,656 | 129,228,238 | 0 | 0 | 847,162,894 |
| | 538,267,071 | 0 | 48,444,036 | 48,444,036 | 635,155,144 |
| 19-20 | 626,736,784 | 112,812,621 | 0 | 0 | 739,549,405 |
| | 305,305,973 | 0 | 27,477,538 | 27,477,538 | 360,261,048 |
| 20-21 | 343,949,433 | 61,910,898 | 0 | 0 | 405,860,331 |
| | 47,573,068 | 0 | 4,281,576 | 4,281,576 | 56,136,220 |
| 21-22 | 1,079,132,576 | 194,243,864 | 0 | 0 | 1,273,376,439 |
| | 526,430,845 | 0 | 47,378,776 | 47,378,776 | 621,188,397 |
| 22-23 | 333,531,038 | 60,035,587 | 0 | 0 | 393,566,625 |
| | 485,451,334 | 0 | 43,690,620 | 43,690,620 | 572,832,574 |
| TOTAL | 5,839,832,251 | 639,451,719 | 205,859,043 | 205,859,043 | 6,891,002,056 |

7.4. The details of supply of CNG Cylinder by M/s EKCL, GSTIN-24AAACE0836F1Z6 is as under:-

| CNG Sales - Period Jul 2017 To Mar 2023 (Kasez-24AAACE0836F1Z6) (in Rs.) | | | | | |
|----------------------------------------------------------------------------|-------------------|-------------------|----------------|----------------|-------------------|
| Period | Taxable Value | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 66,226,805 | 11,920,825 | 0 | 0 | 78,147,630 |
| | 9,120,540 | 0 | 820,849 | 820,849 | 10,762,237 |
| 18-19 | 1,471,700 | 264,906 | 0 | 0 | 1,736,606 |
| | 0 | 0 | 0 | 0 | 0 |
| 19-20 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| 20-21 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| 21-22 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| 22-23 | 0 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 76,819,045 | 12,185,731 | 820,849 | 820,849 | 90,646,473 |

7.5. The details of supply of CNG Cylinder by all GSTINs of M/s EKCL, is as under:-

| CNG Sales - Period Jul 2017 To Mar 2023 (in Rs.) | | | | | |
|----------------------------------------------------|---------------|-------------------------|------------------------|------------------------|-------------|
| Period | Taxable Value | IGST at the rate of 18% | CGST at the rate of 9% | SGST at the rate of 9% | Rs.TOTAL |
| Jul 2017-Mar 2018 | 548,977,869 | 98,816,016 | - | - | 647,793,885 |

| | | | | | |
|--------------|-----------------------|----------------------|--------------------|--------------------|-----------------------|
| | 458,528,949 | 0 | 41,267,605 | 41,267,605 | 541,064,160 |
| 18-19 | 888,162,898 | 159,869,322 | 0 | 0 | 1,048,032,220 |
| | 582,754,221 | 0 | 52,447,880 | 52,447,880 | 687,649,981 |
| 19-20 | 818,897,954 | 147,401,632 | 0 | 0 | 966,299,586 |
| | 430,918,988 | 0 | 38,782,709 | 38,782,709 | 508,484,406 |
| 20-21 | 847,327,810 | 152,519,006 | 0 | 0 | 999,846,816 |
| | 534,370,171 | 0 | 48,093,315 | 48,093,315 | 630,556,802 |
| 21-22 | 3,128,365,883 | 563,105,859 | 0 | 0 | 3,691,471,742 |
| | 2,137,412,900 | 0 | 192,367,161 | 192,367,161 | 2,522,147,222 |
| 22-23 | 1,372,814,438 | 247,106,599 | 0 | 0 | 1,619,921,037 |
| | 923,752,502 | 0 | 83,137,725 | 83,137,725 | 1,090,027,952 |
| TOTAL | 12,672,284,583 | 1,368,818,433 | 456,096,396 | 456,096,396 | 14,953,295,808 |

7.6. The difference of tax rate on the cylinders correctly classifiable under Chapter 8708 as part and accessories of motor vehicle attracting at the rate of 28% of GST and the GST paid on the goods at the rate of at the rate of 18 % by misclassifying their goods under 7311 for all GSTIN is as under:-

(i) The difference liability of 10% (28%-18%) for M/s EKCL - 24AAACE0836F3Z4 (Gandhidham Depot) is as under-

| CNG Sales - Period Jul 2017 To Mar 2023 (in Rs.) | | | | |
|-----------------------------------------------------------|------------------|-----------------|-----------------|------------------|
| Period | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 3152600 | 0 | 0 | 3152600 |
| | 0 | 3255700 | 3255700 | 6511400 |
| 2018-2019 | 16875654 | 0 | 0 | 16875654 |
| | 0 | 2224358 | 2224358 | 4448715 |
| 2019-2020 | 19216117 | 0 | 0 | 19216117 |
| | 0 | 6111175 | 6111175 | 12222350 |
| 2020-2021 | 50337838 | 0 | 0 | 50337838 |
| | 0 | 9336900 | 9336900 | 18673800 |
| 2021-2022 | 204877081 | 0 | 0 | 204877081 |
| | 0 | 16660550 | 16660550 | 33321100 |
| 2022-2023 | 103928340 | 0 | 0 | 103928340 |
| | 0 | 4290040 | 4290040 | 8580080 |
| TOTAL | 398387630 | 41878723 | 41878723 | 482145075 |

(ii) The difference liability of 10% (28%-18%) for M/s EKCL - 09AAACE0836F1ZY (Lucknow Depot) is as under-

| CNG Sales - Period Jul 2017 To Mar 2023 (in Rs.) | | | | |
|-----------------------------------------------------------|--------------|-----------------|-----------------|------------------|
| Period | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| 2018-2019 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| 2019-2020 | 0 | 0 | 0 | 0 |
| | 0 | 169476 | 169476 | 338952 |
| 2020-2021 | 0 | 0 | 0 | 0 |
| | 0 | 15002955 | 15002955 | 30005910 |
| 2021-2022 | 46250 | 0 | 0 | 46250 |
| | 0 | 63888553 | 63888553 | 127777106 |
| 2022-2023 | 0 | 0 | 0 | 0 |
| | 0 | 17625018 | 17625018 | 35250037 |
| TOTAL | 46250 | 96686002 | 96686002 | 193418254 |

(iii) The difference liability of 10% (28%-18%) for M/s EKCL - 27AAACE0836F1Z0 (Tarapur) is as under-

| CNG Sales - Period Jul 2017 To Mar 2023 (in Rs.) | | | | |
|-----------------------------------------------------------|------------------|------------------|------------------|------------------|
| Period | IGST | CGST | SGST | TOTAL |
| Jul 2017-Mar 2018 | 45122506 | 0 | 0 | 45122506 |
| | 0 | 19214720 | 19214720 | 38429441 |
| 2018-2019 | 71793466 | 0 | 0 | 71793466 |
| | 0 | 26913354 | 26913354 | 53826707 |
| 2019-2020 | 62673678 | 0 | 0 | 62673678 |
| | 0 | 15265299 | 15265299 | 30530597 |
| 2020-2021 | 34394943 | 0 | 0 | 34394943 |
| | 0 | 2378653 | 2378653 | 4757307 |
| 2021-2022 | 107913258 | 0 | 0 | 107913258 |
| | 0 | 26321542 | 26321542 | 52643085 |
| 2022-2023 | 33353104 | 0 | 0 | 33353104 |
| | 0 | 24272567 | 24272567 | 48545133 |
| TOTAL | 355250955 | 114366135 | 114366135 | 583983225 |

(iv) The difference liability of 10% (28%-18%) for M/s EKCL - 24AAACE0836F1Z6 (Kasez) is as under-

| CNG Sales - Period Jul 2017 To Mar 2023 (in Rs.) | | | | |
|-----------------------------------------------------------|----------------|---------------|---------------|-----------------|
| Period | IGST | CGST | SGST | Rs.TOTAL |
| Jul 2017-Mar 2018 | 6622681 | 0 | 0 | 6622681 |
| | 0 | 456027 | 456027 | 912054 |
| 2018-2019 | 147170 | 0 | 0 | 147170 |
| | 0 | 0 | 0 | 0 |
| 2019-2020 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| 2020-2021 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| 2021-2022 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| 2022-2023 | 0 | 0 | 0 | 0 |
| | 0 | 0 | 0 | 0 |
| TOTAL | 6769851 | 456027 | 456027 | 7681905 |

7.7. The GST difference liability of 10% (28%-18%) for M/s EKCL for all four GSTINs is summarized based on calculation in above table is as under-

| Total Differential GST payable (in Rs.) | | | | |
|--------------------------------------------------|------------------|------------------|------------------|-------------------|
| Period | IGST | CGST | SGST | Rs.TOTAL |
| Jul 2017-Mar 2018 | 54897787 | 0 | 0 | 54897787 |
| | 0 | 22926447 | 22926447 | 45852895 |
| 2018-2019 | 88816290 | 0 | 0 | 88816290 |
| | 0 | 29137711 | 29137711 | 58275422 |
| 2019-2020 | 81889795 | 0 | 0 | 81889795 |
| | 0 | 21545949 | 21545949 | 43091899 |
| 2020-2021 | 84732781 | 0 | 0 | 84732781 |
| | 0 | 26718509 | 26718509 | 53437017 |
| 2021-2022 | 312836588 | 0 | 0 | 312836588 |
| | 0 | 106870645 | 106870645 | 213741290 |
| 2022-2023 | 137281444 | 0 | 0 | 137281444 |
| | 0 | 46187625 | 46187625 | 92375250 |
| TOTAL | 760454685 | 253386887 | 253386887 | 1267228458 |

8. Section of the Act under which demand was created:- CGST ACT 2017, and IGST ACT 2017 / Section / sub-section under which SCN was being issued — Section 74(1) of the CGST Act, 2017 and respective state GST Act, 2017, read with Section 20 of IGST Act, 2017.

9. (i) Section of the Act under which demand is confirmed:- Section 74(9) of CGST Act, 2017 and Section 74(9) of respective State GST Act, 2017 read with Section 20 of IGST Act, 2017, Section 6(1) of CGST/SGST Act, 2017 and Section 6(2) of CGST/ SGST Act, 2017;
- (ii) Section of the Act under which interest is confirmed:- under Section 50 of CGST Act, 2017 and Section 50 of respective State GST Act, 2017 read with Section 20 of IGST Act, 2017, Section 6(1) of SGST Act, 2017 and Section 6(2) of CGST Act, 2017
- (iii) Section of the Act under which penalty is confirmed:- under the provisions of Section 74(9) of CGST Act, 2017 and respective State GST Act, 2017 and read with Section 20 of IGST Act, 2017, Section 6(1) of CGST/SGST Act, 2017 and Section 6(2) of CGST/ SGST Act, 2017;

This order is issued without any prejudice to any other action that may be taken against them under the GST Act, 2017 and the Rules made thereunder or under any other law for the time being in force.

All the jurisdictional GST authorities of the respective GSTINs are required to upload the present DRC-07 on the GST portal.

(V. Ramanadha Reddy)
Additional Commissioner,
CGST &C.Ex., Palghar