GST Newsletter

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GST Digest

- Recent case laws

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NEWS FEED

Where input tax credit, as well as account of assessee, had been blocked and a year and half had lapsed since then, however, no final order had been passed yet, respondent authority was to be directed to pass final order in 30 days and account of assessee was to be unblocked on providing surety to tune of Rs. 32.7 lakhs-Punjab and Haryana HC

Where assessment order was passed without granting a personal hearing opportunity to assessee, same was to be set aside and matter was to be remanded to assessing officer to pass fresh orders after hearing assessee-Patna HC

Instant court rejected petitioners' review request challenging denial of tax exemption under Notification No. 12/2017, holding that review is limited to correcting apparent errors or new evidence and cannot address issues requiring detailed arguments-Gujarat HC

Where petitioner-assessee challenged penalty order and appellate order confirming said penalty order, on ground that the aforementioned orders were unjustified as e-way bill had expired due to driver's unforeseen personal emergency and not due to any intent of petitioner-assessee to evade tax, further, in various judgments, it was held that if there was no intent to evade tax, then seizure and penalty under Section 129 were unjustified, therefore, in view of above facts and precedents, impugned orders were to be set aside-Allahabad HC

Where goods of assessee were detained during transit and an order was passed under section 129, since goods of assessee were not accompanied with e-way bill and also goods declared by assessee were different from ones detained, no case was made out for interference and writ petition was to be dismissed-Allahabad HC

Where assessee filed belated appeal to take advantage of Amnesty Scheme notified vide Notification No. 53/2023–Central Tax, dated 2-11-2023, assessee fulfilled all other precondition for maintaining appeal and entire amount of demand on account of WBGST was recovered, same constituted 50% of entire demand, pre-deposit amount of 2.5% of disputed tax in respect of WBGST by debiting electronic cash ledger was not required-Calcutta HC

Where GST Council circulars regarding HSN 9021 are binding on tax authorities, such circulars must be considered when confirming demands under Section 74 of GST Act-Allahabad HC

Where bail granted to appellant by Trial Court was cancelled by high court, considering that appellant was only a manager in company and revenue submitted that appropriate order could be passed with direction to appellant to cooperate in investigation, case for grant of bail was made out, accordingly, order of Trial Court granting bail was to be restored-Supreme Court of India

Delay in filing appeal held condonable as demand notice was served late and caused reasonable delay-Madras HC

Order to be set aside as assessment order without DIN number would be non-est and invalid-Andhra Pradesh HC

No conflicting orders can be passed by AO on same issues in same period; second order to be quashed-Delhi HC

1. **Delhi HC in the case of JSD Traders LLP Vs Additional Commissioner, CGST[W.P.(C) 2608 of 2025 dated 03.03.2025]**

SCN without intent of a proposed retrospective cancellation. Assessee's registration was cancelled with retrospective date vide impugned order which was preceded by a show cause notice. Assessee submitted, neither show cause notice nor final order alludes to or rests upon any material on basis of which respondent would have formed opinion that section 29(2)(e) of CGST Act was violated nor did it embody an intent of a proposed retrospective cancellation of registration.

HELD: In absence of no reasons having been assigned in original SCN in support of a proposed retrospective cancellation as well as a failure to place assessee on prior notice of such an intent invalidated impugned action. Accordingly, impugned order was to be set aside insofar as it proceeded to cancel registration of assessee from a retrospective date [Section 29(2)(e) of Central Goods and Services Tax Act, 2017/ Delhi Goods and Services Tax Act, 2017].

2. **Bombay HC in the case of Brij Systems Ltd Vs Union of India[WRIT PETITION NO.783 OF 2022 dated 02.07.2024]**

Assessee filed an application to rectify returns filed in Form GSTR-1. Said application was rejected on ground that time to rectify had ended.

Assessee stated that there was a bonafide error in filing of returns and there was no loss of revenue caused to exchequer. Respondent also stated that there was no loss to revenue.

HELD In view thereof, assessee was to be allowed to rectify GSTR-1 [Section 39 of Central Goods and Services Tax Act, 2017/ Maharashtra Goods and Services Tax Act, 2017].