Daily Tax Law Briefing
By GSTIndiaguide.com

4 August 2026 • GST & Income Tax

Knowledge Partner :

Law Chambers of Advocate Gaurav Gupta
ggupta.adv@gmail.com | Mob: +91 98110 13940

Abhishek Raja and Associates
Chartered Accountants

Goods & Services Tax (GST) *(4 judgments)*

TITLE	BRIEF FACTS	RATIO
Biyani Shikshan Samiti & Anr. v. Union of India & Ors. *(along with connected writ petitions)* **D.B. Civil Writ Petition No. 5708/2024** **Rajasthan High Court** Click to view	The petitioners, comprising educational societies, colleges, nursing institutions and other educational institutions affiliated to various universities in Rajasthan, challenged the levy and proposed demand of GST on affiliation fees. The petitions assailed the show cause notices issued by the GST authorities contending that affiliation granted by universities and educational institutions constituted exempt educational services under Notification No. 12/2017-Central Tax (Rate). The matters were heard together as they involved an identical question of law.	The Division Bench held that affiliation granted by universities to affiliated colleges is an integral part of the educational process and falls within the exemption provided under Entry 66(a) and Entry 66(b)(iv) of Notification No. 12/2017-CT (Rate). The Court observed that affiliation is intrinsically connected with imparting education and conducting examinations, and universities cannot be treated differently from Central or State Educational Boards. Consequently, the levy of GST on affiliation fees was held to be illegal and unsustainable. The impugned show cause notices were quashed, and any GST already paid on affiliation fees was directed to be refunded within four months, subject to verification that the tax burden had not been passed on to students, failing which interest at 7% per annum would be payable. **Petitions Allowed.**
GVK Jaipur Expressway Pvt. Ltd. v. Deputy Commissioner of State Tax & Ors. **D.B. Civil Writ Petition No. 4011/2026** **Rajasthan High Court** Click to view	The petitioner challenged the Order-in-Original dated 29.01.2024 issued in Form GST DRC-07 raising GST demand of ₹1,88,30,530 for FY 2017-18 along with interest of ₹2,14,60,613 and an equivalent penalty. The petitioner also challenged the letter dated 19.12.2025 issued in Form GST DRC-13 creating a lien on its bank account. It contended that the order had not been properly communicated as it was only uploaded on the GST portal after	The Rajasthan High Court held that the petitioner had an efficacious statutory remedy of appeal under Section 107 of the CGST/RGST Act against the Order-in-Original but failed to avail it within the prescribed limitation period. The Court rejected the contention that uploading the order on the GST portal did not amount to proper communication, observing that the petitioner continued to hold a valid GST registration and was expected to monitor the portal. It further noted that the petitioner had neither replied to the

TITLE	BRIEF FACTS	RATIO
	the petitioner had wound up its business activities in Rajasthan.	show cause notice nor appeared despite being granted an opportunity of personal hearing, and therefore no violation of principles of natural justice was made out. As the writ petition had been filed nearly 21 months after expiry of the appeal period and a similar writ petition of the petitioner had already been dismissed, the Court declined to exercise its writ jurisdiction. **Writ Petition Dismissed.**
M/s Royal Bricks Works v. Union of India & Ors. **Civil Writ Jurisdiction Case No. 19064 of 2025** **Patna High Court** **Click to view**	The petitioner challenged the show cause notice dated 02.12.2023 and the demand order dated 29.04.2024 passed under Section 73(9) of the BGST/CGST Act for the period April 2018 to March 2019. It was contended that the notices and orders were unsigned, issued in violation of Rule 26(3) and GST Instruction No. 04/2023, passed without granting a personal hearing under Section 75(4), barred by limitation, and based on Notification No. 56/2023 extending the limitation period, whose validity was also challenged. During the hearing, the petitioner sought permission to avail the statutory appellate remedy under Section 107 of the BGST Act against the order dated 29.04.2024.	The Patna High Court declined to examine the merits of the challenges raised against the show cause notice, demand order, limitation, validity of Notification No. 56/2023, and alleged violation of principles of natural justice. Accepting the petitioner's request, the Court granted liberty to challenge the order dated 29.04.2024 by filing an appropriate statutory appeal under Section 107 of the Bihar Goods and Services Tax Act, 2017 before the competent appellate authority. With the grant of such liberty, the writ petition was disposed of without expressing any opinion on the merits of the controversy. **Writ Petition Disposed of with Liberty to File Statutory Appeal.**
MS Koenig Solutions Pvt. Limited v. Assistant Commissioner, Audit Branch, State GST, Government of NCT of Delhi & Ors. **W.P.(C) 11410/2024, CM APPL. 47351/2024 & CM APPL. 47353/2024** **Delhi High Court** **Click to view**	The petitioner challenged the communication dated 24.08.2023 issued in Form GST ADT-03 directing a special audit for FY 2018-19 under Section 66 of the CGST/DGST Act, the undated special audit report with covering letter dated 06.12.2023, and the DRC-01 dated 01.08.2024. The petitioner contended that the proceedings were contrary to Section 66 of the CGST Act and Rule 102 of the CGST Rules and that no valid proceedings under	The Division Bench held that the respondents did not dispute that no order under Section 73 of the CGST Act had been passed within the extended time permitted under Notification No. 56/2023, i.e., by **30.04.2024**. Since the statutory period for passing the order had expired, the continuation of the proceedings could not be sustained. Accordingly, the Court quashed the communication dated 24.08.2023 issued in Form GST ADT-03 for FY 2018-19 and, for the same reason, also quashed the DRC-01 dated 01.08.2024. **Writ Petition Allowed.**

TITLE	BRIEF FACTS	RATIO
	Section 73 survived after expiry of the prescribed limitation period.	

Income Tax *(5 judgments)*

TITLE	BRIEF FACTS	RATIO
Assistant Commissioner of Income Tax, Circle International Tax 1(1)(1) & Anr. v. M/s GE Power Solutions (Malaysia) **Special Leave Petition (Civil) Diary No. 21549/2026** **Supreme Court** Click to view	The petitioners challenged the judgment and order dated 21.05.2025 passed by the Delhi High Court in W.P.(C) No. 7572/2022 by filing a Special Leave Petition before the Supreme Court. The matter was heard along with connected Special Leave Petitions. The petitioners also sought condonation of delay in filing the petition.	The Supreme Court first condoned the delay in filing the Special Leave Petition. Upon hearing the parties, the Court found no good ground to interfere with the impugned judgment and order passed by the Delhi High Court. Accordingly, the Special Leave Petition was dismissed, and all pending applications, if any, were disposed of. Special Leave Petition Dismissed.
DCIT, Circle 1(1), Pune v. Coca Cola India Pvt. Ltd. **ITA No. 1307/PUN/2025** **Income Tax Appellate Tribunal, Pune** Click to view	The Revenue appealed against the order of the CIT(A) deleting various additions made in the assessment of the respondent company engaged in manufacturing and sale of beverage concentrates, coffee/tea premixes and dairy whiteners. The Assessing Officer had disallowed advertisement and sales promotion expenses, marketing support expenses, service charges and reimbursements, depreciation on coolers, and deduction under Section 80G, primarily relying on similar disallowances made in earlier assessment years. The CIT(A) deleted all the additions by following Tribunal decisions in the assessee's own cases for preceding years, leading to the present appeal by the Revenue.	The Tribunal held that the CIT(A) had rightly followed the consistent decisions of the Tribunal in the assessee's own cases for earlier assessment years in allowing advertisement and sales promotion expenses, marketing support expenses, service charges, reimbursements, and depreciation on coolers, as no distinguishing facts had been brought on record by the Revenue. Accordingly, those deletions were upheld. However, with respect to the deduction under Section 80G, the Tribunal held that the claim required proper verification of supporting documents, including donation receipts, eligibility of donee institutions and banking evidence. The issue relating to deduction under Section 80G was therefore restored to the Assessing Officer for fresh verification and adjudication. Revenue's Appeal Partly Allowed for Statistical Purposes.
Embassy Office Parks REIT v. Deputy Commissioner of Income Tax, Central Circle-1(3), Bengaluru	The assessee, a Real Estate Investment Trust (REIT) registered under the SEBI (Real Estate Investment Trusts) Regulations,	The Tribunal held that Section 35D(2)(c) expressly restricts deduction of expenditure incurred in connection with public subscription to cases where the

TITLE	BRIEF FACTS	RATIO
ITA No. 221/Bang/2025 **Income Tax Appellate Tribunal, Bangalore** Click to view	2014, claimed deduction of ₹66,62,59,444 under Section 35D of the Income-tax Act towards one-fifth of the expenditure incurred in connection with its initial public offer, public subscription, and listing of its units on the National Stock Exchange and the Bombay Stock Exchange. The Assessing Officer disallowed the claim on the ground that Section 35D(2)(c) applies only to companies. The CIT(A) affirmed the disallowance, leading to the present appeal.	assessee is a company. A REIT, though registered with SEBI and permitted to issue listed units, is constituted as a trust and is treated under the Income-tax Act as a distinct business trust governed by the special taxation regime under Chapter XII-FA. The Tribunal held that REIT units are neither shares nor debentures and that the benefit of Section 35D(2)(c) cannot be extended by applying principles of liberal or harmonious construction contrary to the plain language of the statute. Since the assessee was not a company within the meaning of Section 2(17), it was not entitled to the deduction claimed under Section 35D(2)(c). Accordingly, the disallowance of ₹66,62,59,444 was upheld. Appeal Dismissed.
M/s Bhupathi Hotels Limited v. The Centralized Processing Centre, Bengaluru & Ors. *(Common Order in W.P. Nos. 10785 & 11521 of 2025)* **W.P. Nos. 10785 & 11521 of 2025** **Andhra Pradesh High Court** Click to view	The petitioner challenged separate orders dated 29.01.2024 passed by the Principal Commissioner of Income Tax rejecting its applications under Section 119(2)(b) of the Income-tax Act, 1961 for condonation of delay in claiming refunds for Assessment Years 2013-14 and 2015-16. The applications were rejected solely on the ground that, under CBDT Circular No. 9/2015 dated 09.06.2015, applications for condonation of delay in refund claims could not be entertained beyond six years from the end of the relevant assessment year. The petitioner contended that the delay was caused due to financial difficulties, closure of business, and health issues of its Managing Director.	The Andhra Pradesh High Court held that Section 119(2)(b) confers discretionary power on the tax authorities to condone delay in appropriate cases to avoid genuine hardship and does not prescribe any rigid time limit for exercising such power. The Court observed that the rejection of the petitioner's applications solely on the basis of the six-year limitation contained in CBDT Circular No. 9/2015 was unsustainable, as the circular could not override the statutory discretion available under Section 119(2)(b). Holding that the authority had failed to consider the petitioner's explanation on merits, the Court set aside the impugned orders dated 29.01.2024 and directed the respondents to reconsider the refund claims and pass appropriate orders within six weeks. Writ Petitions Allowed.
Public Political Party v. Deputy Commissioner of Income Tax & Anr.	The appellant, a political party, challenged the common order dated 17.12.2025 passed by the Income Tax Appellate Tribunal. The Assessing Officer had made additions under Section 68 of the	The Delhi High Court held that the Tribunal had recorded a categorical finding of fact that the appellant had issued bogus donation receipts, returned the donation amounts to the contributors, and merely earned

TITLE	BRIEF FACTS	RATIO
ITA Nos. 434/2026, 435/2026, 439/2026, 442/2026, 443/2026, 444/2026, 449/2026 & 480/2026 **Delhi High Court** **Click to view**	Income-tax Act, 1961 in respect of donations received by the appellant. While the Tribunal held that the addition under Section 68 was unsustainable, it treated 6% of the donations as income under Section 56, holding that the appellant had issued bogus donation receipts and facilitated false claims of deduction. The appellant contended that once the addition under Section 68 had been deleted, it was entitled to exemption under Section 13A of the Act.	commission on such transactions. Such findings of fact were not open to interference in an appeal under Section 260A. The Court upheld the Tribunal's approach of taxing only 6% of the purported donations as income under Section 56 instead of the entire amount under Section 68. It further held that a political party indulging in such illegal activities could not claim exemption under Section 13A, particularly when it had failed to comply with the second proviso to Section 13A by not furnishing proper reports to the Election Commission of India. Accordingly, the appeals were dismissed. Appeals Dismissed.