

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
K. Prasad Kini v. State Tax Officer & Anr. WP(C) No. 35785 of 2023 Kerala High Court Click to view	The petitioner, an assessee under the CGST Act, challenged an assessment order under Section 73 for the period 2017-18 by filing a first appeal under Section 107. The appellate authority rejected the appeal by order dated 6 May 2023. Although a further appeal was available under Section 112, the petitioner approached the High Court because the Tribunal contemplated under that provision had not then been constituted, whereupon the Court admitted the writ petition and granted interim relief.	The Court noted that the Tribunal under Section 112 of the CGST Act had since been constituted and, therefore, the petitioner could avail the statutory appellate remedy. Accordingly, instead of adjudicating the dispute on merits, the Court directed the petitioner to file an appeal under Section 112 before the Tribunal within 60 days from the date of the judgment. The Court further directed that, while filing such appeal, the petitioner must satisfy the pre-deposit requirement mandated under Section 112 of the Act. Writ Petition Disposed Of; Petitioner Relegated to Statutory Appeal.
M/S Global Products and Traders v. Superintendent, Range-85, Division-Dwarka, Delhi South Commissionerate W.P.(C) 7217/2026 Delhi High Court Click to view	The petitioner challenged the show cause notice dated 3 March 2026 and consequential order dated 17 March 2026 cancelling its GST registration. Its substantive grievance concerned the retrospective operation of the cancellation from 29 July 2025. The petitioner contended that such retrospective cancellation was impermissible, whereas the Department argued that the show cause notice had informed the petitioner that its registration stood suspended from 29 July 2025 and, consequently, cancellation was given effect from that date.	The Court, following <i>Smart World Communications v. Commissioner of Central Tax and CGST Delhi North</i>, held that where the show cause notice does not propose retrospective cancellation of GST registration, the registration cannot subsequently be cancelled with retrospective effect. Accordingly, the order dated 17 March 2026 was set aside only insofar as it gave retrospective effect to the cancellation. The Department was permitted to issue a fresh show cause notice specifically proposing retrospective cancellation, provide an opportunity of hearing and thereafter pass a fresh order in accordance with law. Petition Disposed Of; Retrospective Cancellation Set Aside.
MSD Pharmaceuticals Pvt. Ltd. v. Assistant	The petitioner, an assessee under the CGST/SGST Act, sought	The Court held that Rule 97A merely provides that manual filing is also

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Commissioner, State Tax Special Circle III & Ors. WP(C) No. 7284 of 2023 Kerala High Court Click to view	refund under Section 54 for assessment year 2017-18. Its online refund application was admittedly filed and acknowledged on 12 February 2019 within the prescribed two-year period. The refund was nevertheless rejected by order dated 17 February 2020 on the ground that the hard-copy application was filed only on 14 November 2019, beyond limitation. The petitioner's appeal under Section 107 was also rejected.	permissible and does not displace or invalidate an electronic refund application. The use of the word "include" in Rule 97A demonstrates that manual filing is an additional permissible mode. Since the petitioner's online refund application was admittedly acknowledged on 12 February 2019, rejection merely because the manual application was filed later was illegal and arbitrary. The impugned refund rejection order was set aside and the Assistant Commissioner was directed to reconsider the refund application in accordance with law within three months. Petition Allowed; Matter Remanded.
Sagar Ghosh Vs. Deputy Commissioner, State GST & Ors. W.P.A. 1197 of 2026 Calcutta High Court Click to view	The petitioner, a registered person, challenged the adjudication order dated 13 March 2024, appellate order dated 20 March 2025 and recovery letter dated 27 May 2026. An enforcement case initiated on 29 January 2021 concerning genuineness of ITC culminated in proceedings under Section 74 of the WBGST/CGST Act. ITC claimed from five suppliers was held ineligible with consequential interest and penalty. The petitioner's appeal under Section 107 was not entertained as it was electronically filed beyond the stipulated time.	The Court held that availability of an alternative appellate remedy does not bar exercise of writ jurisdiction where the competence of the authority is questioned on a pure question of law. The petitioner raised jurisdictional issues concerning the adjudicatory power of an officer posted in the Bureau of Investigation and cross-empowerment under Section 6. Without finally deciding those issues, the Court remanded them for determination by the adjudicating authority as the first issue. The adjudication and appellate orders and consequential steps were set aside, with liberty to file a comprehensive reply within 14 working days. Petition Allowed; Matter Remanded.

Income Tax (4 judgments)

TITLE	BRIEF FACTS	RATIO
Jorss Bullion Private Limited Versus Income Tax Officer Ward 2(1)(2) R/Special Civil Application No. 23191 of 2019	For A.Y. 2012-13, the petitioner filed its return declaring income of Rs.1,64,59,510 and was assessed under Section 143(3) on 23 March 2015 after scrutiny. On 29 March 2019, notice under Section 148 was	The Court held that Section 2(22)(e) was not attracted since the statutory shareholding requirements were not satisfied and the petitioner was not a registered shareholder of Amber Enclave Pvt. Ltd. Further, reopening beyond four

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Gujarat High Court Click to view	issued alleging escaped income on the basis of deemed dividend under Section 2(22)(e). The reopening proceeded on the premise that Pushpak Realities Pvt. Ltd. held 90% in the petitioner, whereas the petitioner asserted and the Revenue did not dispute that its shareholding was only 4.60%. Consequential assessment and demand orders were passed on 10 December 2019.	years after an assessment under Section 143(3) was impermissible under the proviso to Section 147 absent failure to fully and truly disclose material facts; no such failure existed. The Assessing Officer had also ignored binding legal precedents cited in the objections. Consequently, the Section 148 notice, consequential assessment order and demand notice were quashed and set aside. Petition Allowed.
Smt. Poonam Rathore vs. Income Tax Officer, Sehore ITA No.302/Ind/2026 Income Tax Appellate Tribunal, Indore Click to view	The assessee, a non-filer, was reassessed ex parte under Sections 144/147 on information concerning purchase of immovable property valued at Rs.46,78,800, resulting in addition of the entire amount. In first appeal, the CIT(A), relying upon the remand report, restricted the addition to Rs.15,59,600 representing the assessee's one-third share. The assessee contended that the agricultural land was actually purchased jointly for Rs.24 lakh and her one-third share was Rs.8 lakh, sourced from agricultural income.	The Tribunal held that for the property purchased on 28 March 2011, the purchase consideration of Rs.24 lakh governed the investment, since the provision taxing the difference between consideration and stamp-duty value under Section 56(2)(vii)(b) came into force only from 1 April 2014. Accordingly, the assessee's one-third investment was Rs.8 lakh, not Rs.15,59,600. It further found sufficient evidence regarding agricultural holdings and agricultural income as the source of Rs.8 lakh, whose veracity was not questioned by the Revenue. The CIT(A)'s order was therefore set aside. Appeal Allowed.
Syniverse Technologies Services India P. Ltd. vs. ACIT, Circle 3 (1), Gurgaon ITA No.2056/DEL/2022 Income Tax Appellate Tribunal, Delhi Click to view	The assessee challenged the final assessment order dated 30 June 2022 passed under Section 143(3) read with Section 144C(13) pursuant to DRP proceedings. The DRP had issued directions dated 25 April 2022 and the TPO passed the consequential order on 17 June 2022. However, the Assessing Officer's final order did not incorporate those directions and substantially remained unchanged from the draft assessment order. A corrigendum seeking to address the omission was subsequently issued on 27 July 2022.	The Tribunal held that failure to incorporate and follow the binding DRP directions rendered the final assessment order contrary to Section 144C(13) and bad in law. Although the final order was passed within limitation, the subsequent corrigendum could not cure this jurisdictional defect, particularly when it was issued after the prescribed period. Following Pr. CIT v. Lionbridge Technologies Pvt. Ltd. and M/s. I.A.R. System Aktiebolag Deloitte v. DCIT, the Tribunal held the corrigendum to be beyond jurisdiction and quashed the assessment order, leaving the other grounds open. Appeal Allowed.

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U.P. Financial Corporation v. Commissioner Of Income Tax (Tds) And 3 Others Writ Tax No. 3047 of 2026 with Writ Tax No. 3048 of 2026 Allahabad High Court Click to view	The petitioner challenged orders dated 25 May 2026 rejecting its applications for stay of recovery of demands arising from penalty orders under Section 271C. The dispute originated from alleged failure to deduct tax under Section 193 on interest paid on SLR bonds. Appeals against the penalty orders dated 30 March 2026 were pending before the NFAC. The petitioner contended that the stay applications had been rejected mechanically without assigning any cogent reason.	The Court held that recording reasons is an essential requirement of natural justice and applies to judicial, quasi-judicial and administrative orders. Reasons constitute the basis of a sustainable conclusion and substitute objectivity for subjectivity. Since the competent authority rejected the petitioner's stay applications without assigning any reason, the impugned orders could not be sustained. They were quashed and the matters were remanded to respondent no. 4 to decide the stay applications afresh by reasoned and speaking orders, preferably within six weeks from production of the certified copy. Petitions Allowed; Matters Remanded.

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