

RAJASTHAN HIGH COURT

  
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 7060/2024  
URN: CW / 14570U / 2024

M/s Anmol Bandhan, D-65, Anmol Bandhan, Sawai Madho Singh Road, Bani Park, Jaipur, Rajasthan-302016 Through Its Proprietor Shri Vishal Agarwal Son Of Late Shri Ashok Kumar Agarwal, Aged 43 Years, Resident of B-18, Metal Colony, Ambabari, Jaipur-302039.

-----Petitioner

Versus

1. Union Of India, Through Secretary, Ministry Of Finance, No. 137, North Block, New Delhi-110001
2. The State Of Rajasthan, Through Principal Secretary, Ministry Of Finance, Secretariat, Jaipur.
3. The Chief Commissioner, State Goods and Services Tax Department, Kar Bhawan, Ambedkar Circle, Jaipur.
4. The Appellate Authority-I, Room No.116, Kar Bhawan, Jaipur, Rajasthan.
5. The Assistant Commissioner, Circle-H, Jaipur-I, Ward-II, Jaipur.

-----Respondents

---

|                   |   |                                                                                                                                             |
|-------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Alkesh Sharma, Adv.<br>Mr. Ayush Sharma, Adv.                                                                                           |
| For Respondent(s) | : | Ms. Mahi Yadav, AAG with<br>Ms. Chelsi Agarwal, Adv.<br>Mr. Ajay Shukla, Adv. with<br>Mr. Shivam Sharma, Adv. and<br>Ms. Jyoti Sharma, Adv. |

---

**HON'BLE MR. JUSTICE ARUN MONGA**  
**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**  
**Order(Oral)**

**22/07/2026**

**Per: Arun Monga, J.**

1. The petitioner herein, *inter alia*, seeks a direction commanding respondents to entertain the appeal and also condone the delay and

allow the filing of appeal against the impugned Order-in-Original dated 27.03.2023 (Annexure-3), passed by the Assistant Commissioner, Circle-H, Jaipur-I, Ward-II, whereby GST registration of the petitioner was cancelled. The appeal against the said order was filed on 10.01.2024. However, the Appellate Authority vide order dated 15.02.2024 dismissed the appeal on the ground of limitation as it does not have the power to condone the delay in filing the appeal. Aggrieved by the same petitioner filed this instant writ petition on 02.04.2024.

2. Learned counsel for the petitioner submits that owing to a severe financial crisis, the petitioner firm suffered acute financial distress. He submits that the proprietor's father passed away on 16.11.2021, and in order to honour the commitments made to the lenders, the proprietor was compelled to sell the industrial plots as well as his residential apartment. Consequently, the proprietor was rendered homeless and was facing extreme financial hardship, due to which the statutory compliances, including filing of the GST returns, could not be attended to in time.

2.1 Learned counsel further submits that on account of the said financial crisis, the accounting staff had also been discontinued and, therefore, the petitioner remained unaware of the order dated 27.03.2023 passed by respondent No. 5 cancelling the GST registration. He further submits that immediately upon acquiring knowledge of the said order, the petitioner filed all the pending returns for the Financial Year 2022-23 and thereafter took steps to challenge the impugned order. Owing to these circumstances, learned counsel thus submits that the petitioner could not take necessary steps within the prescribed period. The delay is neither wilful, deliberate nor intentional, but has occurred for reasons beyond the Petitioner's control. It is, therefore,

most respectfully prayed that the delay in filing the appeal be kindly condoned in the interest of justice.

3. In the aforesaid backdrop, we have heard the learned counsels for the parties and perused the record.

4. Learned Counsel for the petitioner, relying on the various Division Bench judgments of this very Court in **M/s Molana Construction Company v. Central Goods and Service Tax Department & Ors<sup>1</sup>**, **Man Singh Tanwar v. Commissioner, Central goods and Services Tax Department & Ors.<sup>2</sup>**, **RPC PSIPL JV Vs. State of Rajasthan & Ors<sup>3</sup>** and **RPC PSIPL JV Vs. State of Rajasthan & Ors<sup>4</sup>**, argues that sufficient cause of delay in filing the appeal due to circumstances beyond control has been shown and thus appeal be directed to be considered on merits after condoning the delay by this Court.

5. Learned counsel for the respondents opposes the above submission and contends that the assessment order has rightly been passed, appeal is now barred by limitation.

6. Having heard, as above, it transpires that while it is true that the Appellate Authority is bound by the statutory provisions of limitation provided under Section 107 of the RGST Act, however, considering the reasons owing to which the petitioner could not file its appeal within the stipulated time, being beyond its control, non- adjudication of appeal on merits would cause grave injury and prejudice to the petitioner.

7. In the judgments cited above in para 4 of preceding part of instant order, this Court, while allowing the writ petitions, issued directions to entertain the appeal on merits.

---

1 2024 SCC OnLine Raj 3938

2 D.B. CWP 14658/2024

3 D.B. CWP 7260/2025

4 D.B. CWP 11794/2025

8. In the context of present case, where cancellation of GST registration results in loss of livelihood, reference may also be had to another judgment of this Court in **M/s M R Traders v. UOI**<sup>5</sup>. For ready reference, relevant portion thereof is reproduced hereinbelow:-

*“11.5 The distinction, therefore, is not one of sympathy or sufficiency of cause, but of jurisdictional competence. While constitutional courts, exercising plenary powers under Article 226 of the Constitution of India, may in appropriate cases condone delay so as to prevent a complete denial of remedy, such constitutional elasticity cannot be transposed into the statutory framework governing the Appellate Authority.*

*11.6. Thus, we are of the opinion that the statutory scheme under Section 107 admits of no discretion with the appellate authority to grant extension beyond the expressly prescribed period. The application of the Limitation Act stands unequivocally excluded by necessary implication. Accordingly, we hold that the Appellate Authority does not possess the unrestricted discretion under Section 5 of the Limitation Act to condone delay beyond the ceiling prescribed in Section 107(4).*

*12. It is also pertinent to note that the CGST Act is not a statute enacted solely for revenue collection. It represents a comprehensive fiscal reform intended to consolidate multiple indirect taxes and, at the same time, to facilitate trade, commerce, and business continuity. This legislative intent is clearly discernible from the scheme of the Act, particularly the provisions relating to revocation of cancellation of registration under Section 30 and appellate remedies under Section 107. The emphasis of the statute is thus not merely punitive compliance, but regulated facilitation of economic activity. Any interpretation which renders statutory remedies illusory on hyper-technical grounds would defeat the very purpose of the enactment.*

*13. Cancellation of GST registration or missed appellate deadlines should not permanently debar a taxpayer from the GST framework, especially where the taxpayer intends to comply by filing returns, paying taxes, interest, and penalties, and rectifying defaults. In such cases, denial of opportunity to an assessee undermines the inclusive and facilitative objective of the GST regime. Non-restoration of GST registration in such cases also directly impairs the assessee's ability to conduct business, earn a livelihood and leads economic paralysis, thus, violating Articles 14 and 21 of the Constitution by imposing disproportionate and unreasonable hardship.”*

9. In the premise, following the consistent view as already taken by this Court, *ibid*, we allow the present writ petition to the extent of condoning the delay of 168 days (after granting relaxation of 120 days under Section 107 of CGST Act) in filing of the appeal by the petitioner.

10. Accordingly, the impugned appellate order dated 15.02.2024 is set aside. The Appellate Authority is directed to entertain the appeal of the petitioner and adjudicate the appeal on merits, if the appeal is filed

within 30 days of the instant order being uploaded on the website of this Court.

11. Stay petition and all pending application stands disposed of.

**(ASHUTOSH KUMAR),J**

**(ARUN MONGA),J**

25/Ashwani -Tanisha