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**Weekly  
GST Case  
Insights**



## **Case Scenario:1**

### **Gujarat High Court: GST Refund: Differential Claim Allowed for Pre-05.07.2022 Applications**

The Gujarat High Court ruled that the amended refund formula under Notification No. 14/2022 dated 05.07.2022, modifying Rule 89(5) of the GST Rules, is curative and clarificatory, applying retrospectively. Assesseees filing refund applications within the two-year limit under Section 54(1) of the GST Act, even before 05.07.2022, are entitled to differential refunds based on the new formula. The court found that limiting the amended formula to applications filed after 05.07.2022 creates unjust discrimination. Following the Supreme Court's directive in VKC Footsteps (2022) 2 SCC 603, the GST Council revised the formula, which the court upheld as applicable to all timely claims. The respondents were ordered to release additional refunds within three months. Circular No. 181/22, deeming the amendment prospective, was quashed. The decision favors assesseees, ensuring equitable refund application irrespective of filing date.

**Tirth Agro Technology (P.) Ltd. v. Union of India**  
**BHARGAV D. KARIA AND D.N. RAY, JJ. R/SPECIAL CIVIL APPLICATION NO. 11630, 11635, 11647 AND 11649 OF 2023**



## **Case Scenario: 2**

### **Bombay High Court: CBIC Circular Upholds ITC on Demo Vehicles Over Prior Order**

The High Court ruled in favor of the assessee, allowing input tax credit (ITC) on demo vehicles as per CBIC Circular dated 10.09.2024. The court held that the circular prevails over the impugned order, confirming the assessee's entitlement to ITC under Section 16 of the CGST/MGST Act, 2017. Since the issue stands clarified, the petition was disposed of, ensuring compliance with the revised GST policy.

**Sai Service (P.) Ltd. v. Union of India**

**M. S. KARNIK, AND VALMIKI MENEZES, JJ. WRIT PETITION NO. 622 OF 2024**

## **Case Scenario: 3**

### **Calcutta High Court: Appeal Dismissed on Limitation Set Aside; To Be Heard on Merits**

The High Court quashed a second adjudication order, passed inadvertently for FY 2017-18, and directed the appellate authority to hear the assessee's appeal on merits. The court held that the appellate authority failed to exercise its jurisdiction by dismissing the appeal on limitation grounds, ignoring *S.K. Chakraborty & Sons (2024)*. The delay was condoned, and the authority was instructed to dispose of the appeal within 12 weeks, ensuring a fair hearing.

**Binoy Kolay v. Senior Joint Commissioner, State Tax, Bally**  
**RAJARSHI BHARADWAJ, J. WPA 26740 OF 2024**

## **Case Scenario: 4**

### **Orissa High Court: Appeal Dismissed on Limitation Set Aside; To Be Heard on Merits**

The assessee's registration was canceled, and there was a delay in filing the application for revocation. Relying on the precedent set in *Mohanty Enterprises v. Commissioner, CT & GST* [W.P. (C) No. 30374 of 2022, dated 16-11-2022], the Court condoned the delay, directing that the revocation application be considered, subject to payment of all dues and compliance with required formalities. The writ petition was disposed of in favor of the assessee.

**Jyotiranjana Nayak v. Additional Commissioner of GST**  
**ARINDAM SINHA AND M.S. SAHOO, JJ. W.P.(C) NO.1078 OF 2025**

## **Case Scenario: 5**

### **Bombay High Court: Appeal Dismissed on Limitation Set Aside; To Be Heard on Merits**

The assessee challenged a demand order under Section 73(9) of the Maharashtra GST Act, 2017, imposing a tax liability of ₹8,20,740/-, arguing that no opportunity for a personal hearing was provided as required under Section 75(4). The revenue's notices did not specify any date or time for the hearing. Citing *Kloud Data Labs (P.) Ltd. v. Deputy Commissioner of State Tax* [2024] 165 taxmann.com 382 (Bombay), the Court held that authorities cannot bypass the mandatory hearing requirement, even if no reply is filed. The impugned order was quashed, and the matter was remanded for a fresh hearing. The writ petition was allowed.

**Rashmi Alok Kela v. State Tax Officer**  
**AVINASH G. GHAROTE AND M.S. JAWALKA**

## **Case Scenario: 6**

### **Madras High Court: Order Overlooking Filed Reply Set Aside; Fresh Hearing Directe**

The assessee, engaged in event management services, was issued a show cause notice (SCN) in DRC-01 for the period 2018-19 due to discrepancies in returns. The assessee submitted a reply, which was acknowledged, but the impugned order was passed on the incorrect assumption that no reply was filed. The Court held that the respondent authority must consider the reply and pass a fresh order after granting a reasonable opportunity for a hearing. The writ petition was allowed, and the matter was remanded for reconsideration.

**Karthik Kumar Yogapriya v. State Tax Officer (FAC)**  
**MOHAMMED SHAFFIQ, J. W.P. NO.38946 OF 2024 W.M.P.NOS.42186 AND 42187 OF 2024**



## **Case Scenario: 7**

### **Kerala High Court: ITC Denial Unjustified; Matter Remanded for Fresh Order.**

The assessee, engaged in event management services, was issued a show cause notice (SCN) in DRC-01 for the period 2018-19 due to discrepancies in returns. The assessee submitted a reply, which was acknowledged, but the impugned order was passed on the incorrect assumption that no reply was filed. The Court held that the respondent authority must consider the reply and pass a fresh order after granting a reasonable opportunity for a hearing. The writ petition was allowed, and the matter was remanded for reconsideration.

**Mellow Foundation Builders and Developers (P.) Ltd. v. Superintendent  
Central Tax And Central Excise  
BECHU KURIAN THOMAS, J. WP(C) NO. 23524 OF 2024**



## **Case Scenario: 8**

### **Patna High Court: Assessment Without Mandatory Hearing Invalid; Remanded for Reconsideration**

The assessee challenged the assessment order dated 29-11-2023 on the ground that no mandatory personal hearing was granted under Section 75(4) of the GST enactments. The Court held that an assessment order passed without granting a hearing is unsustainable. The impugned order was set aside, and the matter was remitted to the Assessing Officer, directing a personal hearing on 19-12-2024 and fresh orders to be passed within three months or within the limitation period, whichever is later. The writ petition was disposed of.

**M.D International v. Union of India**

**K. VINOD CHANDRAN, CJ. PARTHA SARTHY, J. CIVIL WRIT JURISDICTION CASE  
NO.15354 OF 2024**

## **Case Scenario: 9**

### **Karnataka High Court: GST Cancellation Unsustainable; Evidence Confirms Business Operations**

The assessee's GST registration was canceled on the grounds of non-functioning at the declared principal place of business. However, the assessee provided documentary evidence proving its existence and operations at the registered address. The court held that the cancellation was contrary to the material on record and quashed the impugned order. The GST registration was directed to be restored, subject to payment of up-to-date taxes and filing of returns.

**Redroom Technology (P.) Ltd. v. Union of India**

**S.R.KRISHNA KUMAR, J. WRIT PETITION NO. 18868 OF 2024 (T-RES)**

## **Case Scenario: 10**

### **Madras High Court: GST Transition Glitches: Assessee Allowed to Rectify GSTR-3B & Claim Refund**

An IT and ITES assessee faced technical delays in transitioning ₹82,91,19,712/- of pre-GST accumulated ITC due to GST portal issues. Despite ₹74,61,65,427/- of transitional credit being available, the petitioner paid ₹86,96,78,402/- in cash for GST liabilities from July to November 2017. The GST TRAN-1 form was filed late due to glitches. The initial petition to revise GSTR-3B was dismissed, citing no provision for revision under the CGST Act. The court held that technical issues should not deny legitimate credit and directed rectification of GSTR-3B. A refund of ₹74,61,65,427/- was granted, subject to a corresponding debit from the electronic credit ledger.

**Dell International Services India (P.) Ltd. v. Union of India**  
**C. SARAVANAN, J. W.P. NO. 1924 OF 2021**

## **Case Scenario: 11**

### **Karnataka High Court: KGST Order Violates Limitation; Set Aside for Non-Complianc**

A common show-cause notice and order under Section 73 of the KGST Act were issued for multiple financial years (2019-20 to 2023-24 and April-May 2024). The assessee argued that clubbing multiple years in one notice was impermissible. The court held that Section 73 requires specific action within each relevant financial year due to prescribed limitations. Citing previous judgments, the court quashed the impugned order and granted liberty to issue separate notices for each financial year in compliance with Section 73. The writ petition was allowed in favor of the assessee.

**Gopi Chand v. Deputy Commissioner of Commercial Taxes (Audit)-1.5**  
**S.G. PANDIT, J. WRIT PETITION NO. 35993 OF 2024 (T-RES)**



## **Case Scenario: 12**

### **Orissa High Court: Tribunal Not Constituted; Appellate Order Stayed with Additional 10% Deposit**

The assessee sought to appeal an order by the first appellate authority, but the GST Appellate Tribunal had not yet been constituted. The court, following the precedent in *Maa Tarini Traders v. State of Odisha*, held that the impugned order would be stayed if the assessee deposited an additional 10% of the disputed tax amount, beyond the initial 10% required for filing the appeal. The writ petition was disposed of in favor of the assessee, granting interim relief.

**Anil Kumar Prusty v. Commissioner of CT & GST**

**ARINDAM SINHA, ACTG. CJ. AND M.S. SAHOO, J. W.P.(C) NO.2955 OF 2025**