



\$~72

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 20th November, 2025

Uploaded on: 22nd November, 2025

+

W.P.(C) 17680/2025 & CM APPL. 73047/2025

M/S ARJUN ENGINEERING CO.

.....Petitioner

Through: Mr. Pranay Jain, Adv.

versus

ADDITIONAL COMMISSIONER OF GOODS AND SERVICE
TAX, NORTH DELHI

.....Respondent

Through: Mr. Akash Verma, Sr. Standing
Counsel, CBIC with Ms. Aanchal
Uppal, Adv. (M: 9697980007)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SAURABH BANERJEE

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India, *inter alia*, challenging the Order-in-Appeal dated 28th August, 2025 (hereinafter, '*impugned order*') by which the appeal has been dismissed on the ground of being barred by delay.
3. The Order-in-Original has been passed against the Petitioner on 7th August, 2023 raising a demand in the following terms:

“

ORDER

- i. I confirm the demand of Rs. 3,30,704/- (IGST Rs. 1,99,894/- + CGST Rs. 65,405/- + SGST Rs. 65,405/-) as mentioned in para 13.3 above and held it recoverable from them under Section 73 of the Act;*
- ii. I confirm the demand of IGST amounting to Rs.*



41,663/ and held it recoverable from them under Section 73 of the Act;

iii. I confirm the demand of interest amounting to Rs. 64,692/- (Rs. 10414/- + Rs. 54,278/-) as mentioned in para-15 & para 16 and held it recoverable from them under Section 50 of the Act;

iv. I confirm the demand of interest, on applicable rate, under Section 50 of CGST Act, 2017, till the date of payment of the amount as confirmed under Sr. no. 20(i) & 20(ii) above;

v. I impose Penalty of Rs. 33,070/- & Rs. 10,000/- on the amount, as confirmed at Sr. no. 20(i) & 20(ii) above respectively, under Section 73 read with Section 122 (2)(a) of CGST/SGST Act. 2017.”

4. The ground on which demand has been raised *qua* the Petitioner is in respect of certain short payments and difference in Input Tax Credit (hereinafter, ‘ITC’) claimed in GSTR-3B and GSTR-2A as also difference in tax liability reported in GSTR-I and GSTR-3B along with interest. This Order-in-Original was challenged on 22nd October, 2024 by way of an appeal which was decided by the impugned order which is under challenge.

5. The grievance of the Petitioner is that the notice of personal hearing was issued on 20th August, 2025 giving date of hearing on 21st August, 2025. Thereafter, the impugned order was passed within a week on 18th August 2025. Similarly, notice was again issued on 2nd September, 2025 with the date of personal hearing fixed on 3rd September, 2025.

6. Ld. Counsel for the Petitioner submits that the Petitioner could not appear as there was only a notice period of one day for appearance. The reasons given for praying condonation of delay is that the documents were submitted by the Petitioner to the Counsel who, thereafter, fell ill and could



not file the appeal. The Appellate Authority has, however, rejected the prayer for condonation of delay.

7. The Court has considered the matter. There was no doubt that there was an application for condonation of delay which reads as under:

“It is requested that the delay in filing the appeal may be condoned on the ground that our advocate to whom we had handed over the documents fell sick and due to the same he could not prepare the appeal on time. We seek liberty to produce the medical documents at the time of personal hearing. Kindly give us this liberty and | shall be deeply grateful.”

8. In terms of the decision in ***W.P.(C)14279/2024*** titled ***M/s Addichem Speciality LLP Vs. Special Commissioner I, Department of Trade and Taxes and Anr.***, the Appellate Authority does not have the power to condone the delay, however, this Court is of the opinion that since there was an infraction of principles of natural justice due to one day’s notice which was given and considering the reasons for condonation, the Court is inclined to condone the delay subject to costs of Rs. 20,000/- being deposited with the Delhi High Court Bar Clerk Association within a period of two weeks. The details of the said association is given below:

Delhi High Court Bar Clerk Association

- **Name: Delhi High Court Bar Clerk Association**
- **Bank: UCO Bank, Delhi High Court.**
- **A/c No.: 15530100006282**
- **IFSC Code: UCBA0001553**

9. Subject to the said deposit, the appeal of the Petitioner shall be heard on merits. The impugned order dismissing the appeal on the ground of delay stands set aside.



2025:DHC:10280-DB



10. The appeal shall proceed in accordance with law after giving a proper hearing of at least a week's notice to the Petitioner.

11. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

SAURABH BANERJEE
JUDGE

NOVEMBER 20, 2025

dj/ck

