



आयुक्तकाकार्यालय
Office of the Commissioner
केंद्रीय जीएसटी, अपील अहमदाबाद आयुक्तालय
Central GST, Appeal Ahmedabad Commissionerate
जीएसटी भवन, राजस्व मार्ग, अम्बावाडी अहमदाबाद 380015.
GST Bhavan, Revenue Marg, Ambawadi, Ahmedabad 380015.
Phone: 079-26305065 Fax: 079-26305136
E-Mail : commrappl1-cexamd@nic.in



By Regd. Post

DIN NO. : 20221164SW000000A3D5.

(क)	फाइल संख्या / File No.	GAPPL/ADC/GSTP/2714/2022-APPEAL / 4696-02
(ख)	अपील आदेश संख्या और दिनांक / Order-In-Appeal No. and Date	AHM-CGST-002-APP-ADC-99/2022-23 and 14.11.2022
(ग)	पारित किया गया / Passed By	श्री मिहिर रायका, अपर आयुक्त (अपील) Shri Mihir Rayka, Additional Commissioner (Appeals)
(घ)	जारी करने की दिनांक / Date of issue	14.11.2022
(ङ)	Arising out of Order-In-Original No. ZA240122081247W dated 19.01.2022 passed by The Superintendent, CGST, Range-I, Division-I, Ahmedabad North Commissionerate	
(च)	अपीलकर्ता का नाम और पता / Name and Address of the Appellant	M/s Sumitra Sunil Patel (Eassr Glass) (GSTIN-24CLNPP3263Q1ZC), Flat E-25, Devnandan, Near Chanakayapuri, RC Technician Road, Ghatlodiya, Ahmedabad, Gujarat, 388061

(A)	इस आदेश (अपील) से व्यथित कोई व्यक्ति निम्नलिखित तरीके में उपयुक्त प्राधिकारी / प्राधिकरण के समक्ष अपील दायर कर सकता है। Any person aggrieved by this Order-in-Appeal may file an appeal to the appropriate authority in the following way.
(i)	National Bench or Regional Bench of Appellate Tribunal framed under GST Act/CGST Act in the cases where one of the issues involved relates to place of supply as per Section 109(5) of CGST Act, 2017.
(ii)	State Bench or Area Bench of Appellate Tribunal framed under GST Act/CGST Act other than as mentioned in para- (A)(i) above in terms of Section 109(7) of CGST Act, 2017
(iii)	Appeal to the Appellate Tribunal shall be filed as prescribed under Rule 110 of CGST Rules, 2017 and shall be accompanied with a fee of Rs. One Thousand for every Rs. One Lakh of Tax or Input Tax Credit involved or the difference in Tax or Input Tax Credit involved or the amount of fine, fee or penalty determined in the order appealed against, subject to a maximum of Rs. Twenty-Five Thousand.
(B)	Appeal under Section 112(1) of CGST Act, 2017 to Appellate Tribunal shall be filed along with relevant documents either electronically or as may be notified by the Registrar, Appellate Tribunal in FORM GST APL-05, on common portal as prescribed under Rule 110 of CGST Rules, 2017, and shall be accompanied by a copy of the order appealed against within seven days of filing FORM GST APL-05 online.
(i)	Appeal to be filed before Appellate Tribunal under Section 112(8) of the CGST Act, 2017 after paying - (i) Full amount of Tax, Interest, Fine, Fee and Penalty arising from the impugned order, as is admitted/accepted by the appellant; and (ii) A sum equal to twenty five per cent of the remaining amount of Tax in dispute, in addition to the amount paid under Section 107(6) of CGST Act, 2017, arising from the said order, in relation to which the appeal has been filed.
(ii)	The Central Goods & Service Tax (Ninth Removal of Difficulties) Order, 2019 dated 03.12.2019 has provided that the appeal to tribunal can be made within three months from the date of communication of Order or date on which the President or the State President, as the case may be, of the Appellate Tribunal enters office, whichever is later.
(C)	उच्च अपीलीय प्राधिकारी को अपील दाखिल करने से संबंधित व्यापक, विस्तृत और नवीनतम प्रावधानों के लिए, अपीलार्थी विभागीय वेबसाइट www.cbic.gov.in पर देख सकते हैं। For elaborate, detailed and latest provisions relating to filing of appeal to the appellate authority, the appellant may refer to the website www.cbic.gov.in .

ORDER-IN-APPEAL

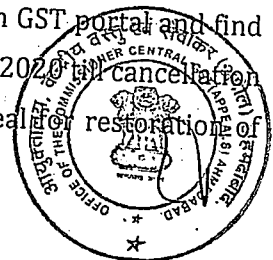
M/s Sumitra Sunil Patel (Eassr Glass) (GSTIN-24CLNPP3263Q1ZC), Flat E-25, Devnandan, Near Chanakayapuri, RC Technician Road, Ghatlodiya, Ahmedabad, Gujarat, 380061 (hereinafter referred to as "the appellant") has filed the present appeal against Order for Cancellation of Registration issued vide Reference No. ZA240122081247W dated 19.01.2022 (hereinafter referred to as the impugned order) passed by The Superintendent, CGST, Range-I, Division-VII [S.G.Highway-East], Ahmedabad-North Commissionerate (hereinafter referred to as "the adjudicating authority").

2. Briefly stated the fact of the case is that the appellant was registered under GSTIN 24CLNPP3263Q1ZC. The appellant was issued Show Cause Notice bearing reference number ZA241221086429K, dated 22.12.2021 for cancellation of their registration due to failure to furnish returns for a continuous period of six months. The adjudicating authority vide impugned order ordered for cancellation of registration with effect from 01-01-2021 on the ground mentioned in the show cause notice. Being aggrieved the appellant filed the present appeal for revocation of cancellation of their registration number.

3. Personal hearing was held on dated 11-11-2022. Shri R R Dave, authorized representative of M/s Sumitra Sunil Patel (Eassr Glass) attended the hearing in person. He submitted copies of judgments of Hon'ble High Court of Madras in case of TVL. Suguna Cutpiece Center Vs. Appellate Deputy Commissioner (ST) (GST), Salem and Hon'ble High Court of Kerala in case of F.R. Trade Links Vs. State Tax Officer, SGST Department, Pala.

4. I have carefully gone through the facts of the case, grounds of appeal, submissions made by the appellant and documents available on record. At the outset, I find that the impugned order was communicated to the appellant on dated 19-01-2022 and present appeal was filed on dated 06-05-2022 online mode i.e. after a period of three months. As per Hon'ble Supreme Court's Order dated 10-1-2022 in suo motu writ petition (C) NO.3 of 2020 in MA No.665/2021, excluding the period from 15-3-2020 till 28-2-2022 in computing time limitation and providing 90 days extension from 1-3-2022 in filing appeals, I hold that the present appeal is not hit by time limitation.

5. In the subject case the registration was cancelled due to non-filing of returns for a continuous period of six months. The cancellation was ordered with effect from 01-01-2021. As per Rule 23 of CGST Rules, 2017, in case of cancellation of registration due to non-filing of returns under Section 29 (2) of CGST Act, 2017 the registered person needs to file an application for revocation of cancellation of registration with appropriate authority after filing the return and paying applicable tax dues, interest, penalty and late fee. In the subject case, I find that the appellant has not filed any application for revocation of cancellation of their registration within the stipulated time limit prescribed under Rule 23 of CGST Rules, 2017. I have verified from GST portal and find that the appellant has now filed GSTR-1 and GSTR-3B returns up to December, 2020 till cancellation of their registration. In view of above, since the appellant has filed this appeal for restoration of

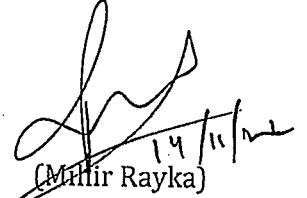


F.No. : GAPPL/ADC/GSTP/2714/2022-Appeal

their registration for continuing their business activity, in the interest of justice, fairness and Government revenue, I allow this appeal to consider revocation of cancellation of their registration. I further order that the appropriate authority may consider their request for restoration of GST registration, made in consequent to this Order, in accordance with provisions of CGST Act and Rules framed under and instructions in force after verification of all dues & liabilities paid by the appellant. Accordingly, I set aside the impugned order and allow the appeal filed by the appellant.

6. अपीलकर्ता द्वारा दर्ज की गई अपील का निपटारा उपरोक्त तरीके से किया जाता है।

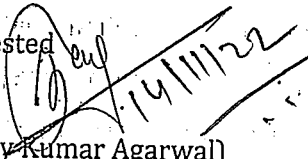
The appeal filed by the appellant stands disposed of in above terms.

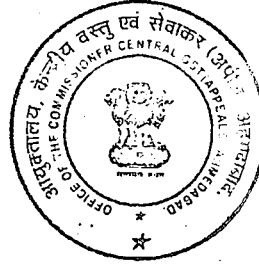

(Mihir Rayka)

Additional Commissioner (Appeals)

Date: 14.11.2022

Attested


(Ajay Kumar Agarwal)
Superintendent (Appeals)
Central Tax,
Ahmedabad.



By R.P.A.D.

To,
M/s Sumitra Sunil Patel (Eassr Glass)
Flat E-25, Devnandan,
Near Chanakayapuri,
RC Technician Road,
Ghatlodiya, Ahmedabad,
Gujarat, 380061

Copy to:

1. The Principal Chief Commissioner of Central Tax, Ahmedabad Zone.
2. The Commissioner, CGST & C.Ex., Appeals, Ahmedabad.
3. The Commissioner, CGST & C.Ex., Ahmedabad-North.
4. The Additional Commissioner, Central Tax (Systems), Ahmedabad- North.
5. The Deputy/Assistant Commissioner, CGST & C. Ex., Division-VII [S.G.Highway-East], Ahmedabad- North.
6. The Superintendent, CGST & C. Ex., Range-I, Division-VII [S.G.Highway-East], Ahmedabad - North.
7. Guard File.
8. P.A. File.

