



सत्यमेव जयते

**आयुक्त (अपील) का कार्यालय,**  
**Office of the Commissioner (Appeal),**  
**केंद्रीय जीएसटी, अपील आयुक्तालय, अहमदाबाद**

**Central GST, Appeal Commissionerate, Ahmedabad**

जीएसटी भवन, राजस्व मार्ग, अम्बावाडी अहमदाबाद ३८००१५.

CGST Bhavan, Revenue Marg, Ambawadi, Ahmedabad 380015

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DIN-20220264SW000031363F

रजिस्टर्ड डाक ए.डी. द्वारा

क फाइल संख्या : File No : GAPPL/ADC/GSTP/212/2022-APPEAL/6420-26  
ख अपील आदेश संख्या Order-In-Appeal Nos. **AHM-CGST-001-APP-ADC-121/2021-22**  
दिनांक Date : **10-02-2022** जारी करने की तारीख Date of Issue : **11-02-2022**

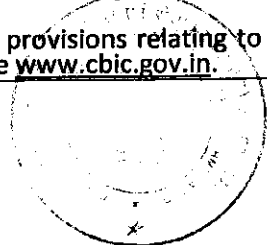
श्री मिहिर रायका\_अपर आयुक्त (अपील) द्वारा पारित

Passed by Shri. Mihir Rayka, Additional Commissioner (Appeals)

ग Arising out of Order-in-Original No. **ZA240120108132L** दिनांक: **31-01-2020** issued by  
Superintendent, Range II, Division IV(Narol), Ahmedabad South

घ अपीलकर्ता का नाम एवं पता Name & Address of the Appellant / Respondent  
**M/s. Rafik Yakub Chauhan of M/s. Chirag Folding Works, Shed No. 54,**  
**Shivshakti estate, Opp Evergreen Hotel, Narol, Ahmedabad-382405**

(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) <b>Full amount of Tax, Interest, Fine, Fee and Penalty</b> arising from the impugned order, as is admitted/accepted by the appellant, and (ii) A sum equal to <b>twenty five per cent</b> 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 <a href="http://www.cbic.gov.in">www.cbic.gov.in</a> को 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 <a href="http://www.cbic.gov.in">www.cbic.gov.in</a> .



**ORDER IN APPEAL**

M/s.Rafik Yakub Chauhan of M/s.Chirag Folding Works, Shed No.54, Shivshakti estate, Opp Evergreen Hotel, Narol, Ahmedabad 382 405 (hereinafter referred to as the appellant) has filed the present appeal on dated 24-8-2021 against Order No.ZA240120108132L dtd 31-1-2020 (hereinafter referred to as the impugned order) passed by the Superintendent, Range II, Division IV (Narol), Ahmedabad South (hereinafter referred to as the adjudicating authority)

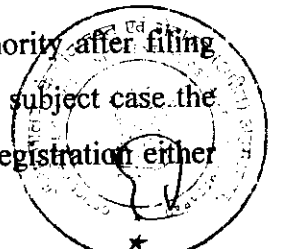
2. Briefly stated the fact of the case is that the appellant's GST registration No.24ACJPC0336Q1ZM was cancelled by the adjudicating authority vide impugned order with effect from 31-1-2020 on the ground that they had not filed reply to show cause notice issued for cancellation of their registration on the ground of non submission of returns for a continuous period of six months.

3. Being aggrieved the appellant filed the present appeal on the ground that due to covid 19 pandemic he was unable to file returns on due time and his health was not well since last 1.5 years and hence requested to re-register his GSTIN so that he can easily run his business. The appellant submitted another letter on dated 20-1-2022 wherein intimated that they do not require any personal hearing and to take decision for re-activation of GSTIN on merit basis due to severe business loss. That they had filed GST returns from April 2019 to January 2020 and also submitted challans of penalty and tax paid by him.

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 31-1-2020 and present appeal was filed online on dated 24-8-2021 ie after a period of 19 months and hence the appeal was filed beyond the time limit prescribed under Section 107 of the Act. However as per Hon'ble Supreme Court's Order dated 23-3-2020 ; Order dated 27-4-2021 and Order dated 23-9-2021, extending the time limit for filing of appeal, I hold that the present appeal is not hit by time limitation factor.

5. In the subject case the registration was cancelled with effect from 31-1-2020 due to non filing of return for six month period. During appeal, the appellant has submitted copy of GSTR3B return filed by them for the period from April 2019 to January 2020. I have verified the GST portal and find that the appellant has filed GSTR3B and GSTR1 return for the month till January 2020. The appellant has also submitted copy of challans towards payment of GST and late fees.

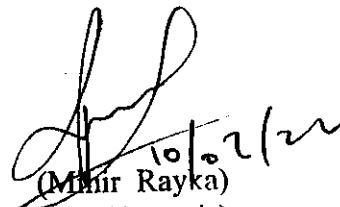
6. As per Rule 23 of CGST Rules, 2017, in case of cancellation of registration due to non filing of returns under Section 29 (2) of CGST Act, 2017 the registered person need to file an application for revocation of cancellation of registration with appropriate authority after filing the return and paying applicable tax dues, interest, penalty and late fee. In the subject case the appellant has not filed any application for revocation of cancellation of their registration either




within the stipulated time limit prescribed under Rule 23 of CGST Rules, 2017. However, with regard to compliance of proviso to Rule 23 of Rules, the appellant has submitted copy of GSTRB and GSTR1 return filed for six month period prior to January 2020 and also submitted challans evidencing payment of tax and late fee. Since the appellant has sought relief in appeal for restoration of their registration after complying with the requirement prescribed under proviso to Rule 23 of CGST Rules, 2017, I allow this appeal for revocation of cancellation of their GST registration. Needless to say, request for restoration of registration, in consequent to this Order, may be considered by the appropriate authority subject to provisions of Act, Rules and instructions in force and after verification of dues paid by the appellant. Accordingly I set aside the impugned order and allow the appeal filed by the appellant.

अपील कर्थाद्वारा दर्ज की गई अपील का निपटारा उपरोक्त तरीके से किया जाता है।

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

  
(Mihir Rayka)  
Additional Commissioner (Appeals)

Date :  
Attested

  
(Sankar Raman B.P.)  
Superintendent  
Central Tax (Appeals),  
Ahmedabad

By RPAD

To,  
M/s. Rafik Yakub Chauhan  
of M/s. Chirag Folding Works,  
Shed No. 54, Shivshakti estate,  
Opp Evergreen Hotel, Narol,  
Ahmedabad 382 405

Copy to :

- 1) The Principal Chief Commissioner, Central tax, Ahmedabad Zone
- 2) The Commissioner, CGST & Central Excise (Appeals), Ahmedabad
- 3) The Commissioner, CGST, Ahmedabad South
- 4) The Assistant Commissioner, CGST, Division IV, Ahmedabad South.
- 5) The Superintendent, CGST, Range II, Division IV, Ahmedabad South
- 6) The Additional Commissioner, Central Tax (Systems), Ahmedabad South
- 7) Guard File
- 8) RA file

